

## Outside Sections

### *Local Aid Distribution*

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June 30, 2007, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with the provisions of clause (c) of the second paragraph of [section 35 of chapter 10](#) of the General Laws, shall be \$920,028,283 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding the provisions of any general or special law to the contrary, except for [section 12B of chapter 76](#) of the General Laws and [section 89 of chapter 71](#) of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school, and county maintaining an agricultural school from items [0611-5500](#) and [7061-0008](#) of section 2 of this act shall be as set forth in the following lists; provided, that the amounts to be distributed from item [0611-5500](#) of said section 2 are hereby deemed to be in full satisfaction of the amounts due under [section 37 of chapter 21](#) of the General Laws. No payments shall be made after November 30, 2004, to a city, town, or to a county maintaining an agricultural school pursuant to this section until the state treasurer receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted by the city, town, or county pursuant to the provisions of [section 43 of chapter 44](#) of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, no district shall receive chapter 70 aid in an amount greater than the district's foundation budget. If there is a conflict between the provisions of this section and the distributions listed below, the distribution below shall control; provided further, that no municipality shall have a required local contribution that exceeds 150 per cent of the municipal foundation budget.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
ABINGTON	7,102,535	0	2,412,357	76,800	54,454
ACTON	3,122,308	29,696	1,681,010	56,152	39,814
ACUSHNET	6,084,524	23,875	1,837,561	56,629	40,152
ADAMS	0	35,042	2,434,463	82,355	58,392
AGAWAM	12,282,592	0	4,502,085	158,871	112,645
ALFORD	0	0	16,574	424	301
AMESBURY	8,419,341	0	2,385,607	72,324	51,280
AMHERST	5,824,585	222,910	9,665,752	321,099	227,670
ANDOVER	5,785,511	0	2,182,376	70,744	50,160
AQUINNAH	0	0	2,848	112	80
ARLINGTON	5,378,706	4,491,775	4,884,315	121,390	86,070
ASHBURNHAM	0	0	855,677	30,438	21,581
ASHBY	6,987	0	468,104	13,817	9,796
ASHFIELD	70,921	0	227,001	9,720	6,892
ASHLAND	3,359,140	291,598	1,364,510	53,068	37,627
ATHOL	0	4,377	2,793,955	101,540	71,995
ATTLEBORO	27,644,223	0	6,981,165	244,903	173,645

\* Funds distributed once requirements in [section 81](#) have been met.

### **Municipality**

	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
AUBURN	3,986,020	0	2,095,931	73,147	51,864
AVON	680,340	400,636	455,985	12,535	8,888
AYER	3,856,122	44,218	883,466	26,575	18,843
BARNSTABLE	6,387,190	0	2,575,171	89,592	63,524
BARRE	16,325	0	994,565	36,880	26,149
BECKET	79,336	8,580	102,324	4,269	3,027
BEDFORD	2,195,591	484,271	929,679	26,630	18,882
BELCHERTOWN	10,463,146	0	2,075,915	88,457	62,719
BELLINGHAM	7,821,071	0	2,084,059	54,256	38,469
BELMONT	3,143,982	827,483	1,955,091	50,045	35,483
BERKLEY	5,227,756	0	743,854	31,129	22,071
BERLIN	513,086	0	247,316	6,645	4,712
BERNARDSTON	0	0	345,852	14,291	10,133
BEVERLY	6,488,508	2,452,442	4,741,621	145,745	103,338
BILLERICA	14,013,854	2,349,321	4,822,655	141,031	99,996
BLACKSTONE	113,342	0	1,467,122	39,097	27,721
BLANDFORD	42,767	0	154,032	6,227	4,415
BOLTON	5,473	0	240,338	9,629	6,828
BOSTON	209,359,140	164,211,152	70,589,023	1,899,148	1,346,561
BOURNE	4,642,898	352,555	1,449,186	47,828	33,911
BOXBOROUGH	1,314,629	0	307,421	11,740	8,324
BOXFORD	1,512,144	36,411	558,969	18,470	13,096
BOYLSTON	412,786	0	419,320	13,613	9,652
BRAINTREE	6,123,623	3,378,041	3,689,835	104,807	74,312
BREWSTER	832,464	0	483,871	16,915	11,993
BRIDGEWATER	91,416	0	3,919,452	133,223	94,460
BRIMFIELD	1,036,425	0	476,127	19,493	13,821
BROCKTON	115,781,919	4,310,392	21,427,385	672,454	476,793
BROOKFIELD	1,334,473	0	605,089	21,261	15,075
BROOKLINE	5,522,549	3,497,741	4,345,694	111,423	79,003
BUCKLAND	0	0	338,556	12,325	8,739
BURLINGTON	3,990,954	1,386,400	1,839,692	56,341	39,948
CAMBRIDGE	7,189,509	17,956,060	8,666,998	213,298	151,235
CANTON	2,853,484	878,002	1,761,264	58,373	41,388
CARLISLE	642,413	14,729	254,031	7,727	5,479
CARVER	9,669,251	0	1,788,612	61,741	43,777
CHARLEMONT	104,178	0	212,928	9,164	6,497
CHARLTON	0	0	1,585,440	58,014	41,134
CHATHAM	485,533	0	185,172	4,342	3,078
CHELMSFORD	7,341,290	2,535,342	3,722,180	111,372	78,966

\* Funds distributed once requirements in [section 81](#) have been met.

**Municipality**

**Housing**

**Community**

	Chapter 70	Additional Assistance	Lottery	Incentive Program*	Policing Grants
CHELSEA	43,740,662	3,396,864	6,712,895	223,725	158,629
CHESHIRE	267,786	0	688,189	26,565	18,836
CHESTER	66,297	0	219,501	9,245	6,555
CHESTERFIELD	87,225	0	168,518	7,304	5,179
CHICOPEE	39,350,383	1,195,616	12,875,772	503,242	356,816
CHILMARK	0	0	4,582	144	102
CLARKSBURG	1,463,565	13,114	432,260	14,647	10,385
CLINTON	9,758,133	175,517	2,710,934	93,085	66,000
COHASSET	1,356,399	166,099	468,094	11,944	8,469
COLRAIN	0	0	310,583	13,243	9,390
CONCORD	1,615,174	383,959	1,045,180	26,472	18,770
CONWAY	557,947	0	218,000	9,066	6,428
CUMMINGTON	41,250	0	101,456	4,617	3,274
DALTON	176,604	0	1,232,841	44,431	31,503
DANVERS	3,869,398	1,118,972	2,383,985	76,956	54,564
DARTMOUTH	8,879,446	0	3,090,028	101,743	72,140
DEDHAM	3,393,018	1,550,298	2,482,673	67,860	48,115
DEERFIELD	892,561	0	588,227	19,384	13,744
DENNIS	0	0	667,364	22,676	16,078
DEVENS	328,000	0	0	0	0
DIGHTON	0	0	851,735	29,270	20,754
DOUGLAS	6,921,866	0	891,302	35,479	25,156
DOVER	380,848	0	235,777	6,564	4,654
DRACUT	14,895,163	0	4,290,188	139,467	98,887
DUDLEY	0	0	1,888,107	67,891	48,137
DUNSTABLE	0	30,076	253,795	10,260	7,275
DUXBURY	2,980,077	0	1,087,538	30,786	21,828
EAST BRIDGEWATER	9,927,853	0	1,830,270	62,777	44,511
EAST BROOKFIELD	103,832	0	330,941	10,612	7,524
EAST LONGMEADOW	4,472,841	0	1,766,653	70,511	49,995
EASTHAM	264,071	0	182,616	6,227	4,415
EASTHAMPTON	7,189,699	108,874	3,335,028	118,230	83,830
EASTON	8,053,016	0	2,679,163	92,678	65,712
EDGARTOWN	352,967	28,507	53,694	1,496	1,061
EGREMONT	0	0	77,296	2,493	1,768
ERVING	273,463	13,150	69,372	1,759	1,247
ESSEX	0	33,828	267,121	7,373	5,228
EVERETT	22,774,563	4,084,357	4,434,150	159,682	113,220
FAIRHAVEN	6,998,068	391,434	2,380,222	72,310	51,270
FALL RIVER	89,336,960	2,290,951	27,001,554	881,307	624,877

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional	Housing Incentive	Community Policing
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		Assistance	Lottery	Program*	Grants
FALMOUTH	4,544,299	0	1,699,587	56,103	39,779
FITCHBURG	38,443,683	214,811	10,238,447	349,270	247,644
FLORIDA	469,492	0	60,898	1,899	1,346
FOXBOROUGH	7,286,788	0	1,826,396	54,109	38,365
FRAMINGHAM	9,887,237	4,697,500	7,557,866	233,875	165,825
FRANKLIN	25,085,774	0	3,021,144	102,229	72,484
FREETOWN	1,209,832	0	1,164,825	37,472	26,569
GARDNER	18,500,271	120,747	5,061,766	182,017	129,056
GEORGETOWN	3,990,535	52,998	824,959	26,899	19,073
GILL	0	0	259,945	8,785	6,229
GLOUCESTER	5,598,636	1,923,054	3,004,352	86,141	61,077
GOSHEN	55,786	0	97,451	4,365	3,095
GOSNOLD	16,214	1,962	641	20	14
GRAFTON	6,437,968	0	1,911,630	64,693	45,869
GRANBY	3,750,528	0	1,079,257	41,166	29,188
GRANVILLE	1,297,058	0	195,141	8,833	6,263
GREAT BARRINGTON	0	0	930,647	28,935	20,516
GREENFIELD	8,891,327	0	3,883,946	141,499	100,328
GROTON	0	0	939,545	36,020	25,540
GROVELAND	0	0	779,771	24,417	17,313
HADLEY	656,467	138,341	419,142	16,011	11,353
HALIFAX	2,405,084	0	1,111,847	36,250	25,702
HAMILTON	0	42,887	744,868	24,590	17,435
HAMPDEN	0	0	764,821	29,140	20,661
HANCOCK	181,323	17,638	51,583	2,284	1,620
HANOVER	5,205,145	1,326,394	1,288,617	41,012	29,079
HANSON	29,933	0	1,437,463	39,778	28,204
HARDWICK	8,503	3,228	493,270	18,188	12,896
HARVARD	1,282,533	55,090	1,779,682	15,250	10,813
HARWICH	1,494,751	0	527,679	17,519	12,422
HATFIELD	708,506	0	381,771	13,004	9,220
HAVERHILL	32,773,254	2,503,145	9,565,361	318,773	226,021
HAWLEY	19,486	12,924	39,884	1,802	1,277
HEATH	0	0	95,301	4,710	3,340
HINGHAM	3,569,540	334,151	1,606,448	47,030	33,346
HINSDALE	80,087	0	259,650	9,246	6,556
HOLBROOK	4,491,369	4,757	1,806,380	50,540	35,835
HOLDEN	0	0	2,095,744	75,095	53,245
HOLLAND	785,360	0	246,159	10,826	7,676
HOLLISTON	6,205,322	412,300	1,490,322	46,591	33,034

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
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HOLYOKE	64,553,282	606,646	11,818,770	425,072	301,391
HOPEDALE	5,546,095	0	797,688	26,886	19,063
HOPKINTON	5,226,841	120,287	839,794	32,708	23,191
HUBBARDSTON	0	0	487,597	22,806	16,171
HUDSON	5,892,407	0	2,442,532	73,018	51,772
HULL	3,753,124	1,388,549	1,232,908	31,045	22,012
HUNTINGTON	143,610	0	403,493	15,774	11,184
IPSWICH	2,156,499	775,432	1,204,484	36,020	25,539
KINGSTON	3,372,477	0	1,173,911	42,885	30,407
LAKEVILLE	2,281,613	0	998,981	38,516	27,309
LANCASTER	0	0	1,015,583	28,444	20,168
LANESBOROUGH	543,845	0	423,018	12,895	9,143
LAWRENCE	121,972,947	190,699	23,874,868	801,677	568,417
LEE	1,661,335	0	762,488	21,634	15,339
LEICESTER	9,215,862	0	2,127,054	71,387	50,616
LENOX	1,127,308	72,146	584,604	12,560	8,905
LEOMINSTER	33,671,090	11,693	6,988,649	256,261	181,698
LEVERETT	236,843	0	218,817	7,604	5,392
LEXINGTON	5,584,362	0	1,876,266	55,830	39,586
LEYDEN	0	0	98,930	4,355	3,088
LINCOLN	504,172	292,012	546,644	15,189	10,770
LITTLETON	1,698,050	164,924	706,463	23,857	16,915
LONGMEADOW	3,652,191	0	1,706,932	60,840	43,138
LOWELL	110,669,316	6,340,746	24,601,241	823,670	584,010
LUDLOW	10,117,179	0	3,724,781	154,242	109,363
LUNENBURG	3,964,046	0	1,295,240	41,336	29,309
LYNN	102,717,496	9,477,523	18,084,277	607,557	430,779
LYNNFIELD	2,022,094	362,288	917,435	28,117	19,936
MALDEN	34,291,515	5,586,730	9,878,824	279,803	198,390
MANCHESTER	0	0	273,033	6,778	4,806
MANSFIELD	13,645,669	725,040	2,009,312	83,207	58,997
MARBLEHEAD	3,768,343	39,403	1,357,230	38,320	27,170
MARION	354,411	0	276,448	9,130	6,473
MARLBOROUGH	6,788,420	2,728,327	3,971,938	136,926	97,085
MARSHFIELD	13,347,941	202,756	2,457,248	72,686	51,537
MASHPEE	4,036,636	0	446,639	24,538	17,398
MATTAPOISETT	484,690	0	497,588	14,643	10,383
MAYNARD	2,364,569	586,886	1,346,778	39,668	28,126
MEDFIELD	4,984,666	744,614	1,042,026	32,735	23,210
MEDFORD	10,533,494	6,432,448	8,206,613	208,090	147,543

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
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MEDWAY	7,243,415	187,002	1,307,124	47,528	33,699
MELROSE	5,297,808	2,704,187	3,628,787	97,116	68,859
MENDON	6,332	0	498,814	19,446	13,788
MERRIMAC	0	0	891,989	27,848	19,745
METHUEN	32,730,306	163,026	6,496,234	219,960	155,959
MIDDLEBOROUGH	16,144,677	0	3,019,945	101,517	71,979
MIDDLEFIELD	0	0	64,636	3,198	2,268
MIDDLETON	1,280,841	126,570	540,113	27,474	19,480
MILFORD	10,786,620	0	3,739,705	115,939	82,205
MILLBURY	6,333,522	0	2,171,026	72,380	51,320
MILLIS	1,976,894	320,940	966,349	29,861	21,173
MILLVILLE	7,541	0	436,487	16,022	11,360
MILTON	3,627,393	1,245,145	2,715,374	73,544	52,145
MONROE	55,946	13,927	8,805	284	202
MONSON	7,048,134	0	1,594,296	60,273	42,735
MONTAGUE	0	0	1,544,040	57,294	40,623
MONTEREY	0	12,538	42,182	1,288	913
MONTGOMERY	13,387	0	100,521	3,364	2,385
MOUNT WASHINGTON	31,829	33,286	3,947	133	94
NAHANT	390,199	125,393	340,578	8,719	6,182
NANTUCKET	898,930	0	96,959	3,382	2,398
NATICK	4,472,985	1,942,474	2,756,411	79,376	56,280
NEEDHAM	4,139,779	205,993	1,935,797	59,899	42,470
NEW ASHFORD	147,622	7,313	17,429	1,089	772
NEW BEDFORD	103,858,747	716,255	27,531,972	842,608	597,438
NEW BRAINTREE	0	0	145,340	5,757	4,082
NEW MARLBOROUGH	0	0	71,466	2,731	1,936
NEW SALEM	0	0	125,117	5,426	3,847
NEWBURY	0	0	555,628	18,473	13,098
NEWBURYPORT	3,014,816	1,380,057	1,770,274	47,705	33,824
NEWTON	10,451,394	1,377,012	5,847,561	164,121	116,367
NORFOLK	3,312,804	0	1,173,639	38,587	27,360
NORTH ADAMS	13,599,286	185,853	5,250,381	169,161	119,941
NORTH ANDOVER	4,452,427	120,549	2,385,707	87,259	61,870
NORTH ATTLEBOROUGH	19,065,397	0	3,525,524	114,919	81,482
NORTH BROOKFIELD	4,218,993	0	976,112	31,151	22,087
NORTH READING	4,744,809	945,499	1,244,112	37,456	26,557
NORTHAMPTON	6,867,790	577,922	4,814,888	155,834	110,492
NORTHBOROUGH	2,599,798	61,111	1,302,735	44,711	31,701
NORTHBRIDGE	13,232,479	3,071	2,590,732	71,067	50,389

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
NORTHFIELD	0	0	386,063	14,983	10,623

NORTON	12,078,306	0	2,543,776	87,564	62,086
NORWELL	2,100,302	541,079	780,856	22,978	16,292
NORWOOD	3,843,459	2,665,880	3,073,863	91,744	65,050
OAK BLUFFS	508,897	0	89,078	3,042	2,157
OAKHAM	73,013	0	234,057	10,386	7,364
ORANGE	4,944,048	2,115	1,977,177	67,783	48,060
ORLEANS	221,994	0	210,858	5,918	4,196
OTIS	0	0	44,288	2,203	1,562
OXFORD	8,802,562	0	2,520,812	77,993	55,300
PALMER	10,744,639	0	2,448,308	98,077	69,540
PAXTON	0	0	570,919	20,166	14,298
PEABODY	19,160,441	3,140,276	5,749,219	173,030	122,684
PELHAM	134,123	0	194,362	7,480	5,303
PEMBROKE	9,943,003	0	2,056,723	69,014	48,933
PEPPERELL	8,263	0	1,564,059	53,389	37,855
PERU	71,487	0	135,955	5,440	3,857
PETERSHAM	397,819	0	139,758	5,373	3,810
PHILLIPSTON	0	4,386	213,184	8,912	6,319
PITTSFIELD	31,146,316	880,284	9,691,261	343,648	243,658
PLAINFIELD	30,653	0	61,244	2,771	1,965
PLAINVILLE	2,515,694	0	928,833	31,630	22,427
PLYMOUTH	18,271,751	0	4,792,155	177,015	125,510
PLYMPTON	485,173	0	290,253	9,638	6,834
PRINCETON	0	0	361,795	11,933	8,461
PROVINCETOWN	253,625	22,181	148,685	2,790	1,978
QUINCY	13,104,569	11,567,002	12,015,654	349,001	247,454
RANDOLPH	11,214,804	1,825,854	4,569,697	145,626	103,254
RAYNHAM	0	0	1,390,398	51,626	36,605
READING	6,939,462	1,534,901	2,461,971	71,628	50,787
REHOBOTH	0	0	1,147,585	41,273	29,264
REVERE	27,264,279	5,334,444	7,352,186	233,272	165,398
RICHMOND	323,359	0	132,826	3,909	2,771
ROCHESTER	1,379,595	0	519,106	18,876	13,384
ROCKLAND	9,344,765	394,336	2,852,308	86,539	61,359
ROCKPORT	1,212,383	0	535,965	16,493	11,694
ROWE	37,019	0	4,791	128	90
ROWLEY	0	114,232	548,001	18,402	13,048
ROYALSTON	0	0	196,637	8,584	6,086
RUSSELL	111,226	0	296,507	12,184	8,639

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
RUTLAND	9,503	0	998,712	40,147	28,465
SALEM	11,355,975	3,298,731	5,187,791	185,974	131,862

SALISBURY	0	0	773,500	27,855	19,750
SANDSFIELD	0	0	42,223	1,930	1,368
SANDWICH	5,851,276	88,406	1,288,162	54,846	38,887
SAUGUS	3,760,325	1,784,087	2,735,211	86,192	61,113
SAVOY	495,439	13,801	128,020	4,936	3,500
SCITUATE	3,743,923	875,037	1,607,467	43,695	30,981
SEEKONK	3,218,728	0	1,507,135	52,089	36,933
SHARON	6,503,062	62,495	1,652,427	52,698	37,365
SHEFFIELD	14,094	11,938	285,542	11,105	7,874
SHELBURNE	0	0	317,279	10,819	7,671
SHERBORN	342,359	20,951	244,666	7,526	5,336
SHIRLEY	4,127,176	185,558	1,422,754	49,897	35,378
SHREWSBURY	15,513,341	298,861	3,107,117	116,013	82,257
SHUTESBURY	527,405	0	206,641	9,262	6,567
SOMERSET	2,959,553	0	1,874,757	73,543	52,144
SOMERVILLE	19,801,943	16,219,924	13,722,067	349,641	247,908
SOUTH HADLEY	5,706,569	20,214	3,173,547	113,146	80,225
SOUTHAMPTON	2,388,050	0	776,188	33,141	23,498
SOUTHBOROUGH	2,608,779	0	533,473	19,473	13,807
SOUTHBRIDGE	14,381,813	0	4,305,384	148,722	105,449
SOUTHWICK	0	0	1,390,432	53,138	37,677
SPENCER	40,959	0	2,397,238	70,755	50,168
SPRINGFIELD	230,987,712	1,829,496	44,382,546	1,789,838	1,269,057
STERLING	0	0	841,321	28,718	20,362
STOCKBRIDGE	0	0	122,242	3,347	2,373
STONEHAM	2,951,823	2,028,958	2,557,667	73,979	52,454
STOUGHTON	9,817,542	103,134	3,829,351	107,547	76,255
STOW	0	6,974	508,164	16,265	11,533
STURBRIDGE	1,261,791	0	947,473	35,146	24,919
SUDBURY	3,596,066	641,561	1,081,559	35,123	24,904
SUNDERLAND	818,468	0	617,563	24,945	17,687
SUTTON	4,967,333	0	954,596	34,056	24,147
SWAMPSCOTT	2,170,144	352,328	1,237,915	40,141	28,461
SWANSEA	4,341,701	0	2,304,948	76,074	53,939
TAUNTON	41,552,999	0	10,322,474	316,094	224,121
TEMPLETON	0	0	1,483,537	50,485	35,795
TEWKSBURY	12,423,368	0	3,409,965	100,579	71,314
TISBURY	318,517	0	120,556	3,399	2,410

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
TOLLAND	0	9,864	10,785	688	488
TOPSFIELD	911,222	253,284	501,895	15,329	10,868
TOWNSEND	8,041	0	1,428,965	48,825	34,619



TRURO	221,775	0	36,861	1,242	881
TYNGSBOROUGH	6,795,399	0	1,179,149	45,042	31,936
TYRINGHAM	30,193	0	15,572	479	340
UPTON	7,316	0	599,353	20,058	14,222
UXBRIDGE	9,214,089	0	1,685,644	52,560	37,267
WAKEFIELD	4,263,119	1,438,080	2,714,232	74,270	52,660
WALES	618,207	0	288,113	11,196	7,938
WALPOLE	5,350,679	883,775	2,251,545	68,565	48,615
WALTHAM	6,381,600	5,458,868	6,385,718	189,311	134,228
WARE	7,524,143	15,257	2,096,179	77,417	54,892
WAREHAM	11,523,094	0	2,430,445	70,744	50,160
WARREN	500,933	0	958,156	40,335	28,599
WARWICK	0	28,890	110,506	4,700	3,332
WASHINGTON	19,887	23,752	81,444	2,619	1,857
WATERTOWN	2,708,572	4,427,251	3,470,628	91,707	65,023
WAYLAND	2,553,258	280,373	830,764	25,262	17,911
WEBSTER	8,015,190	62,006	2,971,922	103,627	73,475
WELLESLEY	3,524,076	96,838	1,494,079	38,317	27,168
WELLFLEET	116,426	0	71,840	1,968	1,395
WENDELL	0	25,534	179,008	8,122	5,759
WENHAM	0	139,794	386,306	11,664	8,270
WEST BOYLSTON	2,716,905	67,754	905,694	35,963	25,499
WEST BRIDGEWATER	1,724,482	47,212	755,272	23,534	16,687
WEST BROOKFIELD	234,848	0	580,664	21,901	15,529
WEST NEWBURY	0	0	344,207	10,878	7,713
WEST SPRINGFIELD	15,002,788	0	4,368,789	176,723	125,303
WEST STOCKBRIDGE	0	0	119,333	3,219	2,283
WEST TISBURY	0	182,434	44,299	1,615	1,145
WESTBOROUGH	3,000,575	145,058	1,270,967	47,631	33,772
WESTFIELD	31,593,729	0	7,682,345	301,757	213,956
WESTFORD	12,715,589	895,514	1,716,670	60,783	43,097
WESTHAMPTON	322,910	0	177,092	6,814	4,832
WESTMINSTER	0	0	787,130	29,063	20,607
WESTON	1,600,829	0	458,341	12,924	9,163
WESTPORT	4,139,254	0	1,494,508	43,226	30,649
WESTWOOD	2,460,703	36,263	857,639	25,732	18,245
WEYMOUTH	20,540,680	2,424,084	8,314,524	218,782	155,124

\* Funds distributed once requirements in [section 81](#) have been met.

Municipality	Chapter 70	Additional Assistance	Lottery	Housing Incentive Program*	Community Policing Grants
WHATELY	90,409	0	163,294	6,641	4,709
WHITMAN	126,320	0	2,568,143	74,578	52,878
WILBRAHAM	0	0	1,637,493	65,326	46,318
WILLIAMSBURG	366,637	0	371,091	11,536	8,179

WILLIAMSTOWN	915,931	0	1,169,507	38,654	27,407
WILMINGTON	4,398,607	1,254,452	1,805,824	64,990	46,080
WINCHENDON	10,262,857	25,366	2,030,858	77,427	54,899
WINCHESTER	3,412,310	344,404	1,474,745	40,636	28,812
WINDSOR	30,813	28,020	92,851	4,450	3,155
WINTHROP	4,822,217	2,287,531	2,921,294	76,374	54,152
WOBBURN	4,992,813	3,586,952	3,801,532	114,420	81,128
WORCESTER	163,913,656	11,809,090	39,228,845	1,427,970	1,012,480
WORTHINGTON	49,949	0	153,044	6,696	4,748
WRENTHAM	3,561,460	0	1,142,645	34,574	24,514
YARMOUTH	0	0	1,545,499	54,262	38,474
<b>Total Municipal Aid</b>	<b>2,883,934,179</b>	<b>378,517,988</b>	<b>920,028,283</b>	<b>30,000,000</b>	<b>21,271,035</b>

\* Funds distributed once requirements in [section 81](#) have been met.

<b>Regional School District</b>	<b>Chapter 70</b>
ACTON BOXBOROUGH	4,582,220
ADAMS CHESHIRE	9,726,188
AMHERST PELHAM	9,636,608
ASHBURNHAM WESTMINSTER	9,322,608
ASSABET VALLEY	2,714,992
ATHOL ROYALSTON	16,974,840
BERKSHIRE HILLS	2,707,570
BERLIN BOYLSTON	829,003
BLACKSTONE MILLVILLE	10,433,497
BLACKSTONE VALLEY	5,874,908
BLUE HILLS	3,534,405
BRIDGEWATER RAYNHAM	19,485,642
BRISTOL COUNTY	2,471,820
BRISTOL PLYMOUTH	8,029,371
CAPE COD	1,898,443
CENTRAL BERKSHIRE	8,015,184
CHESTERFIELD GOSHEN	705,488
CONCORD CARLISLE	1,622,521
DENNIS YARMOUTH	6,331,550
DIGHTON REHOBOTH	11,983,169
DOVER SHERBORN	1,239,305
DUDLEY CHARLTON	22,038,948
ESSEX COUNTY	3,861,826
FARMINGTON RIVER	377,609
FRANKLIN COUNTY	3,082,058
FREETOWN LAKEVILLE	6,781,859
FRONTIER	2,731,801
GATEWAY	5,721,093
GILL MONTAGUE	6,187,219
GREATER FALL RIVER	12,505,296

GREATER LAWRENCE	20,214,139
GREATER LOWELL	19,167,523
GREATER NEW BEDFORD	20,146,489
GROTON DUNSTABLE	10,452,458
HAMILTON WENHAM	3,220,895
HAMPDEN WILBRAHAM	10,128,301
HAMPSHIRE	2,629,211
HAWLEMONT	574,902
KING PHILIP	6,658,203

<b>Regional School District</b>	<b>Chapter 70</b>
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LINCOLN SUDBURY	2,053,926
MANCHESTER ESSEX	1,463,070
MARTHAS VINEYARD	2,766,170
MASCONOMET	4,702,247
MENDON UPTON	10,690,758
MINUTEMAN	2,204,744
MOHAWK TRAIL	5,873,379
MONTACHUSETT	10,414,280
MOUNT GREYLOCK	1,686,401
NARRAGANSETT	9,385,532
NASHOBA	5,795,182
NASHOBA VALLEY	2,004,700
NAUSET	3,246,074
NEW SALEM WENDELL	630,041
NORFOLK COUNTY	757,445
NORTH MIDDLESEX	19,508,890
NORTH SHORE	1,550,211
NORTHAMPTON SMITH	871,325
NORTHBORO SOUTHBORO	2,262,366
NORTHEAST METROPOLITAN	6,295,627
NORTHERN BERKSHIRE	3,828,991
OLD COLONY	2,911,777
OLD ROCHESTER	1,635,144
PATHFINDER	4,024,152
PENTUCKET	13,029,809
PIONEER	4,001,198
QUABBIN	16,392,196
QUABOAG	7,929,757
RALPH C MAHAR	4,712,134
SHAWSHEEN VALLEY	3,643,953
SILVER LAKE	5,996,380
SOUTH MIDDLESEX	2,342,123
SOUTH SHORE	3,077,101
SOUTHEASTERN	10,447,802
SOUTHERN BERKSHIRE	1,760,677

SOUTHERN WORCESTER	7,227,456
SOUTHWICK TOLLAND	7,696,895
SPENCER EAST BROOKFIELD	13,017,694
TANTASQUA	7,361,521
TRI COUNTY	4,198,990
TRITON	8,220,615
UPISLAND	766,055

<b>Regional School District</b>	<b>Chapter 70</b>
UPPER CAPE COD	2,729,081
WACHUSETT	15,768,023
WHITMAN HANSON	22,193,023
WHITTIER	4,983,350
<b>Total Regional Aid</b>	<b>568,657,427</b>

**Total Municipal and Regional Aid 3,452,591,606 378,517,988 920,028,283 30,000,000 21,271,035**

*Medicaid - Maximization of Third Party and Federal Revenue*

SECTION 4. [Section 16 of chapter 6A](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding at the end the following paragraph:-

Notwithstanding any general or special law to the contrary, state agencies and direct and subcontracted providers of health-related services, including purchase-of-service providers financed from appropriation items for any state agency, shall maximize Title XIX and all other federal, state and private health insurance coverage available to offset costs to the commonwealth in compliance with the requirements herein. The agencies or providers shall collect information from clients, or from the parent or guardian of a minor receiving services, necessary to determine the extent to which clients may be eligible for medical assistance benefits under [chapter 118E](#) or are beneficiaries of any health insurance policy. The agency or provider shall forward client information collected under this section to the executive office of health and human services and such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for health services or health insurance coverage. As required or permitted by federal law, the executive office of health and human services shall return the results of any such data matches to the originating agency, which shall take the appropriate action to ensure that costs to the commonwealth are minimized. Such actions shall include, but not be limited to, the agency or provider billing or re-billing all verified third-party sources. The executive office for administration and finance may grant an agency or provider an exemption from this section for good cause. The executive office of health and human services and the operational services division within the executive office for administration and finance shall review regulations, contracting forms, service delivery reports and uniform financial reporting requirements to determine what changes are necessary for the successful implementation of this section.

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 5. [Section 18 of said chapter 6A](#), as so appearing, is hereby amended by inserting in line 6, after the word "police;" the following "alcoholic beverage control commission".

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 6. [Section 18A 1/2 of said chapter 6A](#), as so appearing, is hereby amended by inserting in line 9, after the word "regulation," the following words "the alcoholic beverage control commission".

*Operational Services Division Renamed Division of Procurement*

SECTION 7. The General Laws shall be amended as follows:-

The term "division of procurement" shall be substituted for the term "operational services division" wherever it appears in [sections 4A and 4L of chapter 7](#), in [section 29G of chapter 29](#), in [section 51 of chapter 30](#), and wherever else it appears in the General Laws.

In [section 4A of chapter 7](#) the term "procurement" shall be substituted for the term "operational services" in the second sentence thereof, and the term "assistant secretary for procurement" shall be substituted for the term "assistant secretary for operational services" in the first sentence of subsection (a) thereof.

The term "chief procurement officer" shall be substituted for the term "state purchasing agent" and for the term "purchasing agent" wherever these terms appear in [section 1, 6, 8, of chapter 5](#), in [section 134 of chapter 6](#), in sections 4A, 15, 22, 22A, 22D, 22I, 25, 25A, 26, 27, 27A, 28, 29 of [chapter 7](#), in [section 24 of chapter 15A](#), in [section 29G of chapter 29](#), in [sections 35 and 52 of chapter 30](#), in [section 15 of chapter 73](#), and wherever else it appears in the General Laws.

*Inspector General Transfer*

SECTION 8. Subsection (a) of [section 2 of chapter 7B](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 5, the words "the inspector general" and inserting in place thereof the following words "the state auditor".

*Inspector General Transfer*

SECTION 9. [Chapter 11](#) of the General Laws, as so appearing, is hereby further amended by inserting the following:-

Section 7. The auditor shall act to prevent and detect fraud, waste, and abuse in the expenditure of public funds, whether state, federal, or local, or relating to programs and operations involving the sections, departments, offices, commissions, institutions, and activities of the commonwealth, including those districts, authorities, instrumentalities, or political subdivisions created by the general court and including cities and towns.

Section 8. The auditor may supervise, coordinate, and conduct audits and investigations when necessary, relating to programs and operations described in section 7. He shall review legislation and regulations relating to programs and operations described in said section 7 and shall make recommendations concerning the effect of such legislation or regulation on the prevention and detection of fraud, waste, and abuse. He may recommend policies which will assist in the prevention or detection of fraud, waste, or abuse. The person in charge of, or the governing body of, any public body

described in said section 7, may request the assistance of the auditor with respect to implementation of any suggested policy. In that event the auditor may assign personnel to conduct, supervise, or coordinate such activity. He may recommend policies for the conduct, supervision, or coordination of relationships between state and county agencies and other state and local government agencies, federal agencies, and nongovernmental entities with respect to all matters relating to the prevention and detection of fraud, waste, and abuse in or relating to programs and activities described in said section 7.

Section 9. (a) The auditor may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to programs and operations described in section 7.

(b) The auditor shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without written consent of said employee, unless the auditor determines such disclosure is necessary and unavoidable during the course of the investigation. In such event, the employee shall be notified in writing at least 7 days prior to such disclosure.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the auditor, unless the complaint was made or information disclosed with the knowledge that it was false or with willful disregard of its truth or falsity.

Section 10. In carrying out his duties and responsibilities, the auditor shall report to the attorney general, the United States Attorney, or both, whenever the auditor has reasonable grounds to believe there has been a violation of federal or state criminal law. Said attorney general shall institute appropriate further proceedings.

The auditor shall refer audit or investigative findings to the state ethics commission, or to any other federal, state, or local agency that has an interest in said findings. Any referrals made under this section shall not be made public.

In any case where the auditor has discovered fraudulent acts and believes that civil recovery proceedings may be appropriate, he shall refer the matter to the attorney general. The attorney general may institute whatever proceedings he deems appropriate, may refer the matter to another state or local agency, may retain the matter for further investigation, or may remand the matter to the auditor for further investigation.

#### *Inspector General Transfer*

SECTION 10. Subsection (13) of [section 5N of chapter 12](#) of the General Laws, as so appearing, is hereby amended by striking out in line 130 and line 133 the words "or from the inspector general"

#### *Inspector General Transfer*

SECTION 11. [Chapter 12A](#) of the General Laws is hereby repealed.

#### *Ed Reform #1*

SECTION 12. [Section 55A of chapter 15](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in lines 1 and 2, the words "educational quality" and replacing it with "district management"

and is further amended in line 3, by striking the words "but not subject to its control" and is further

amended by striking in line 4, the words "provide an independent mechanism to verify the efforts of schools and" and replacing it with "verify the management efforts of"

and is further amended by striking lines 7 through 45, inclusive, and is further amended by striking in line 46, the word "council" and replacing it with the word "department" and is further amended by striking in line 54, the words "chairman of the council" and replacing it with the word "department"

and is further amended by striking lines 57 through 79, inclusive and replacing it with the following:-

The office shall have the following duties: (1) verify the accuracy of district reports by conducting or contracting for periodic program and fiscal audits, as necessary; (2) undertake diagnostic inspections of districts with turnaround schools to evaluate management practices and make recommendations to those school districts; and (3) provide reports on best district management practices and make recommendations to improve district management practices statewide to the governor, the board, and the General Court. The department will coordinate the office's audits, reports, and inspections with the department's other activities to minimize duplication.

and is further amended by striking in lines 86, 90, and 94 the word "council" and replace it with the word "department" and is further amended by striking in line 90, the word "its" and replace it with the words "the office's" and is further amended by striking line 96 and replacing it with "before October 1 of each year"

#### *TAFDC Reform #1*

SECTION 13. [Section 18A of chapter 18](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "shall impose the sanction required", and inserting in place thereof the words "is authorized to impose the sanctions permitted".

#### *An Act Relative to District Engineering Inspectors*

SECTION 14. [Section 6 of chapter 22](#) of the General Laws, as so appearing, is hereby amended in lines 6 and 7, by striking out the words "shall not be over forty-five years of age when first appointed, and".

#### *Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 15. The General Laws are hereby amended by inserting after [chapter 22E](#) the following chapter:-

#### CHAPTER 22F

#### THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Section 1. There shall exist within the executive office for public safety a commission to be known as the alcoholic beverages control commission, to consist of a commissioner and two associate commissioners appointed by the governor. Not more than two members shall be members of the same political party. The commissioner and one associate commissioner shall serve terms coterminous with that of the governor. One associate commissioner shall serve a four year term. The commissioner shall serve as chairman. The commission members shall devote their full time during business hours to their official duties. The positions of commissioner and associate commissioners shall be classified in

accordance with [section 45 of chapter 30](#) and the salaries shall be determined in accordance with [section 46C of said chapter 30](#). Any vacancy may be filled in like manner for the remainder of the unexpired term. Members of the commission shall serve at the pleasure of the governor and may be removed without cause. Two members shall constitute a quorum for the purpose of conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission. The commissioner, pursuant to [section 14 of chapter 17](#), shall serve as a member of the advisory council on alcoholism.

Section 2. The chairman may appoint and remove a secretary and expend for other clerical assistants. The chairman may appoint a confidential secretary pursuant to [section 7 of chapter 30](#). The chairman may appoint investigators who shall be exempt from [chapter 31](#), for the purpose of enforcing or causing to be enforced the penalties provided for by law against any person in violation of the provisions of this chapter or [chapter 138](#). Each person employed as an investigator shall meet minimum qualifications established by the secretary of public safety and shall complete a basic training and safety course as approved by said secretary. Investigators shall not carry firearms in connection with their duties under this chapter.

Section 3. The commission shall have the following responsibilities:

- (1) issuing licenses, suspending licenses, reviewing appeals, and revoking licenses pursuant to sections 12, 13, 15A, 17, 18, 18A, 19, 19A, 19B, 19C, 19D, 20, 22A, 23, 23A, 64, 67, 70, 76 of [chapter 138](#);
- (2) establishing conditions for the destruction of certain alcoholic beverages pursuant to [section 2 of chapter 138](#);
- (3) receiving annual reports from local licensing authorities pursuant to [section 10A of chapter 138](#);
- (4) authorizing vacancy of members of local licensing boards pursuant to [section 10B of chapter 138](#);
- (5) issuing certificates of compliance to export licensees pursuant to [section 18B of chapter 138](#);
- (6) issuing permits to store and warehouse beverages pursuant to [section 20A of chapter 138](#);
- (7) issuing permits for vehicles to transport and deliver alcoholic beverages pursuant to [section 22 of chapter 138](#);
- (8) promulgating regulations for issues regarding alcoholic beverages pursuant to [section 24 of chapter 138](#);
- (9) posting of names of delinquent licensees pursuant to [section 25 of chapter 138](#);
- (10) establishing schedules for sale of alcoholic beverages sold to wholesaler in the commonwealth pursuant to [section 25B of chapter 138](#);
- (11) promulgating rules regarding the resale price of beverages pursuant to [section 25C of chapter 138](#);
- (12) promulgating and enforcing rules regarding price discrimination pursuant to [section 25D of chapter 138](#);
- (13) establishing rules for the sale of alcoholic beverages to churches, hospitals, and other organizations pursuant to [section 28 of chapter 138](#);
- (14) preparing and distributing posters to businesses regarding the sale of alcoholic beverages to minors pursuant to [section 34A of chapter 138](#);
- (15) arresting without a warrant any person illegally manufacturing or selling alcoholic beverages pursuant to [section 56 of chapter 138](#);
- (16) entering premises to ascertain manner of business of licensees pursuant to [section 63 of chapter 138](#); and,
- (17) receiving reports from bottle distributors regarding the amount received from deposits pursuant to [section 323 of chapter 94](#).

Section 4. The commission shall submit to the governor and to the general court as soon as may be feasible after the end of each state fiscal year a full report of its actions and of the conduct and condition of traffic in alcoholic beverages during such year, together with recommendations for such legislation as it deems necessary or desirable for the better regulation and control of such traffic and for the promotion of temperance in the use of such beverages.

Section 5. The chairman, with the approval of the secretary of public safety, may designate any permanently appointed municipal police officer with powers and duties set forth in [section 98 of chapter 41](#) and who is trained pursuant to [section 96B of chapter 41](#), as a special alcohol beverage control officer. Special alcohol beverage control officers shall have all the authority of commission investigators



to enforce the provisions of this chapter and [chapter 138](#).

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 16. Clause (1) of subsection (b) of [section 1 of chapter 24A](#) of the General Laws, as so appearing, is hereby amended by striking out the following words:- the alcoholic beverages control commission.

*Repeal of Fund*

SECTION 17. [Section 2FF of chapter 29](#) of the General Laws, as so appearing, is hereby repealed. As of the effective date of this section, the comptroller shall transfer any remaining balance in the fund to the General Fund.

*Establishment of the Medical Assistance Trust Fund*

SECTION 18. Said [chapter 29](#), as so appearing, is hereby amended by adding the following:-

Section 2000. There shall be established on the books of the commonwealth the Medical Assistance Trust Fund, which shall be administered by the secretary of health and human services. Funds from this account may be expended for supplemental Medicaid payments to qualifying providers pursuant to an approved state plan or federal waiver. Amounts credited to the fund shall not be subject to further appropriation.

*Inspector General Transfer*

SECTION 19. Subsection (b) of [section 29F of said chapter 29](#), as so appearing, is hereby amended by striking out, in line 47, the following words "the inspector general,".

*Inspector General Transfer*

SECTION 20. Subsection (d) of said [section 29F of said chapter 29](#), as so appearing, is hereby amended by striking the final sentence of the second paragraph.

*Inspector General Transfer*

SECTION 21. Paragraph (2) of subsection (b) of [section 39R of chapter 30](#) of the General Laws, as so appearing, is hereby amended by striking out, in lines 66 and 67, the words "inspector general" and inserting in place thereof the following words "the state auditor".

*Inspector General Transfer*

SECTION 22. Subsection (e) of said [section 39R of said chapter 30](#), as so appearing, is hereby amended by striking out, in lines 121 and 125, the words "inspector general" and inserting in place thereof the following word "state auditor".

*Assault Pay Reform*

SECTION 23. [Section 58 of said chapter 30](#), as so appearing, is hereby amended by striking the fourth paragraph, and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of this section, an employee who, while in the performance of duty, receives bodily injuries resulting from the acts of violence of patients or prisoners in his or her custody, and who as a result of such injury would be entitled to benefits under [sections 34 or 34A of said chapter 152](#), shall be paid the difference between his or her weekly cash benefits to which he or she would be entitled under said [chapter 152](#) and his regular salary; or, under [section 35 of chapter 152](#), shall be paid the difference between his or regular salary and the sum of the weekly cash benefits to which he or she would be entitled under said [chapter 152](#) and an assigned or agreed upon earning capacity. Employees who are separated from employment for any reason, including but not limited to, resignation, termination, or retirement, shall not be entitled to payments under this section. In addition, employees who refuse to meet with or participate in vocational rehabilitation pursuant to [section 30G of chapter 152](#) shall not be entitled to payments under this section. Any benefit provided by this section shall not pay the employee more than his or her regular base net pay as stated on their last payroll statement prior to the injury, minus an assigned or agreed upon earning capacity, if applicable. To the extent benefits provided by this section are excluded from federal gross income, they shall be added back to the recipient's Massachusetts gross income for purposes of [chapter 62](#).

*Inspector General Transfer*

SECTION 24. Paragraph (33) of subsection (b) of [section 1 of chapter 30B](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 97, the words "inspector general" and inserting in place thereof the following words "state auditor".

*Online Municipal Procurement Notices*

SECTION 25. Subsection (c) of [section 5 of said chapter 30B](#), as so appearing, is hereby amended in the first sentence of clause (5) by inserting, after the words "governmental body", the following words "or, in the alternative, on a public internet web site of either the governmental body or of the Commonwealth".

*Inspector General Transfer*

SECTION 26. Said subsection (c) of said [section 5 of said chapter 30B](#), as so appearing, is hereby further amended by striking out, in lines 55 and 56, the words " the inspector general".

*Inspector General Transfer*

SECTION 27. [Section 17\(d\) of said chapter 30B](#), as so appearing, is hereby repealed.

*Inspector General Transfer*

SECTION 28. [Section 19 of said chapter 30B](#), as so appearing, is hereby amended by striking out the last sentence.

*Pension Reform*

SECTION 29. [Section 1 of chapter 32](#) of the General Laws, as so appearing, is amended by striking out the definition of "regular compensation," in lines 378 through 457, inclusive, and inserting in place thereof the following:

"Regular compensation", during any period prior to January 1, 1946, shall mean the full salary, wages or other compensation in whatever form, lawfully determined for the individual service of the employee by the employing authority, from which regular deductions were made pursuant to the provisions of [chapter 32](#) applicable from time to time prior to such date; provided, that if the amount of such salary, wages or other compensation has been reduced or increased during any such period as a general temporary adjustment due to the cost of living or to other economic conditions, and if the board has received from the appropriate authority a written notice of such fact or if the board is satisfied of such fact after an investigation which it shall make prior to July 1, 1946 or which it shall make thereafter and not later than six months after a system becomes operative for the employees of any governmental unit, such amount shall, for the purpose of any computations made under the provisions of sections one to 28, inclusive, involving the use of an annual or an average annual rate of regular compensation during any such period, but not for the purpose of affecting any regular deductions already made, remain unaffected by such general temporary adjustment.

"Regular compensation", subsequent to December 31, 1945, shall mean the salary, wages or other compensation in whatever form, lawfully determined for the individual service of the employee by the employing authority, not including bonus, overtime, severance pay for any and all unused sick leave, early retirement incentives, or any other payments made as a result of giving notice of retirement, but including evaluated maintenance as provided for in paragraph (c) of subdivision (1) of section 22, and including any part of such salary, wages or other compensation derived from federal grants except as provided in clause (xi) of paragraph (a) of subdivision (2) of section three; provided, that during any period subsequent to June 30, 1948, salary, wages or other compensation payable in the form of cost of living bonuses and cost of living pay adjustments shall be included in such term. In the case of a teacher employed in a public day school who is a member of the teachers' retirement system, salary payable under the terms of an annual contract for additional services in such a school and also compensation for services rendered by said teacher in connection with a school lunch program or for services in connection with a program of instruction of physical education and athletic contests as authorized by [section 47 of chapter 71](#) shall be regarded as regular compensation rather than as bonus or overtime and shall be included in the salary on which deductions are to be paid to the annuity savings fund of the teachers' retirement system. In the case of police officers, firefighters and employees of a municipal department who are employed as fire alarm signal operators or signal maintenance repairmen, money paid for holidays shall be regarded as regular compensation rather

than as overtime and shall be included in the salary on which deductions are to be paid to the annuity savings fund. Regular compensation shall also include all premiums paid by any governmental unit for the purchase of an individual or group annuity contract as authorized by [section 18A of chapter 15](#) or [section 37B of chapter 71](#). Regular compensation shall also mean compensation received by any member having made the election provided for in section 90G 1/2 or section 90G 3/4 and serving after age 70 pursuant to section 90F, 90G or 90H.

"Regular compensation", during any period subsequent to June 30, 2006, shall mean the salary, wages or other compensation in whatever form, lawfully determined for the individual service of the employee by the employing authority and paid to or on behalf of a member as remuneration for services actually rendered or as periodic payments for paid sick, personal, bereavement, or vacation leave taken during a period of employment, or for payments made pursuant to [section 111F of chapter 41](#) in the year or part of a year to which the compensation is attributed. Such payments must be ordinary, normal, recurrent, repeated, and of indefinite duration, and paid pursuant to an official written policy of the employer, a written employment agreement, or a collective bargaining agreement. Such payments must be uniformly available for employees who are similarly situated relative to the purpose of the payment, provided that variations of payments due to merit shall not exclude them for that reason from regular compensation.

Provided they otherwise meet the requirements of this section, any amounts paid as educational incentives; any amounts paid as premiums for shift differentials; payments for length of service made recurrently to all employees in a collective bargaining unit having attained a specific length of service; payments for length of service made recurrently to all non-collective bargaining employees of an employer having attained a specific length of service; any amounts paid as cost-of-living bonuses or cost-of-living pay adjustments paid to all members of a collective bargaining unit or all non-collective bargaining employees of an employer; evaluated maintenance as provided for in paragraph (c) of subdivision (1) of section twenty-two; and any part of such salary, wages or other compensation derived from federal grants except as provided in clause (xi) of paragraph (a) of subdivision (2) of section three shall be considered regular compensation. Lump-sum or retroactive payments which would have been regular compensation if paid in the periods in which the services remunerated thereby were actually rendered will be allocated to said periods rather than being entirely attributed to the time of receipt for the purpose of determining a member's regular compensation.

Exclusions from regular compensation shall include, but not be limited to, any amounts paid for overtime hours worked beyond the member's normal work schedule; any amounts paid as premiums for working holidays, unless otherwise required by law; any amounts paid as bonuses other than qualified cost-of-living bonuses as described in this section; any amounts paid in lieu of or for unused vacation, sick leave, or other leave; severance pay; any amounts paid as early retirement incentives; any other payments made as a result or in anticipation of the member giving notice of retirement; and any extraordinary or ad hoc payment amount, such as any payment to an employee or group of employees which will not recur or which will recur for only a limited or definite term.

#### *Municipal GIC*

SECTION 30. [Chapter 32B](#) of the General Laws, as so appearing, is hereby amended by adding the following:-

Section 3B. (a) Upon acceptance of this section as hereinafter provided, a governmental unit shall establish and maintain a committee, known as the group insurance committee. Said committee will be comprised of 7 members as follows: 4 persons to be appointed by the appropriate public authority, 2 persons to be elected by organizations of the governmental unit's employees, and 1 person who shall be a retiree of the governmental unit and who shall be appointed to membership on such committee by the appropriate public authority. Four members of the committee shall constitute a quorum. The committee may act upon a majority vote of a quorum at any meeting held in conformity with [section 23B of chapter 39](#).

(b) The group insurance committee shall have plenary authority to require changes in the design of any and all group general or blanket hospital, surgical, medical, dental and other health insurance plans,

including the services of a health care organization, and including coverage offered on a self-funded basis pursuant to sections 3A, 11 or 12; provided however that this authority shall not include adjustments to the municipality and employee premium contributions. The plan design changes that may be required may include, but not be limited to, changes to co-pay amounts and deductibles. Such changes as the group insurance committee requires shall be (1) effective as of the date voted by the committee, (2) not subject to any amendments by the appropriate public authority and (3) shall not be subject to collective bargaining pursuant to [Chapter 150E](#).

(c) This section shall take effect in a county, city, town or district upon its acceptance in the following manner: in a county, by a vote of the county commissioners; in a city having a Plan D or a Plan E charter, by a majority vote of its city council and approved by the manager; in any other city by majority vote of its city council and approved by the mayor; in a town, by vote of the town meeting or town council; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting.

#### *Setting Contribution Rates*

SECTION 31. [Section 7A of said chapter 32B](#), as so appearing, is hereby amended by striking the last sentence in the first paragraph and inserting in place thereof the following:-

Notwithstanding any general or special law or collective bargaining agreement to the contrary, in the case of a city, the city council acting with the approval of the mayor subject to the charter of said city, in the case of a town having a town council, the town council, and in every other town, the town meeting, shall set its maximum total monthly premium contribution, but, no eligible employee shall be required to pay more than 50 per cent of the total monthly premium cost or rate. Subject to the above limitations, a governmental unit may provide different subsidiary or additional rates to any group or class within that unit.

#### *Inspector General Transfer*

SECTION 32. [Section 53F of chapter 44](#) of the General Laws, as so appearing, is hereby amended by striking out, in lines 51 and 52, the words "inspector general" and inserting in place thereof the following word "state auditor".

#### *Tax Cut*

SECTION 33. [Section 4 of chapter 62](#) of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Part B taxable income shall be taxed at the rate of 5.15 per cent.

#### *Tax Cut Year Two*

SECTION 34. Said [section 4 of said chapter 62](#), as so appearing, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent.

*Ed Reform #2*

SECTION 35. [Section 1A of chapter 69](#) of the General Laws, as so appearing, is hereby amended by striking lines 87 through 94, inclusive and replacing it with the following:-

The commissioner shall supervise the receiver of a school district declared to be chronically under-performing under section 1K and provide technical assistance. The commissioner shall also provide technical assistance to a school deemed to be in turnaround status or reconstituted status under section 1J.

*Ed Reform #3*

SECTION 36. [Section 1B of said chapter 69](#), as so appearing, is hereby amended by striking lines 49 through 51, inclusive.

*Ed Reform #4*

SECTION 37. [Section 1J of said chapter 69](#), as so appearing, is hereby struck in its entirety and replaced with the following:

Section 1J. (a) The board shall deem a school a turnaround school:

- (1) If on or after September 1, 2006, for a period of three or more consecutive years, the school has failed to achieve adequate yearly progress in the aggregate in either English language arts or math or both, as defined in the Massachusetts state plan pursuant to section 1111(b)(2) of the No Child Left Behind Act of 2001;
  - (2) if on or after January 1, 2006, the school was categorized as under-performing or chronically under-performing by the board; or
  - (3) if on or after January 1, 2006, the school was categorized as in corrective action or in restructuring as defined in the Massachusetts state plan pursuant to section 1111(b)(2) of the No Child Left Behind Act of 2001;
- (b) Notwithstanding any general or special law to the contrary, upon the board's notification to the school district that a school is in turnaround status the superintendent of schools shall have the authority to:

- (1) remove the principal;
- (2) reassign principals, teachers and staff within and among schools and district-based positions;
- (3) authorize principals to dismiss a teacher with professional teacher status for good cause, provided that the teacher has received five school days written notice of the decision to terminate. The teacher with professional teacher status may seek review of a termination decision within five school days after receiving notice of his termination by filing a petition for expedited arbitration with the commissioner. An arbitrator shall be selected according to the procedures set forth in [section 42 of chapter 71](#). In reviewing dismissal decisions, the arbitrator shall consider the principal's plan for improving the turnaround school and the qualities of the teachers needed to implement his plan. The arbitrator's decision shall be issued within ten school days from the completion of the hearing.
- (4) increase the salary of or award bonuses to any principal or teacher assigned to the school.
- (5) authorize the principal to require a teacher to pass a test established by the board which shall consist of two parts: (A) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents and a math section which shall demonstrate numeracy skills necessary for effective instruction; and (B) the subject matter knowledge for the certificate. If necessary the principal may require training.

(c) Notwithstanding section (a) a school district may petition the board of education to deem a school in their district a turnaround school. The board shall adopt regulations defining the minimum requirements when a school or school district has failed to improve the educational program provided to students served by the school or district and therefore eligible to be deemed in turnaround status.

(d) If for a period of two or more consecutive years, the turnaround school fails to achieve adequate yearly progress in the aggregate in English language arts or math or both, the board shall declare the school to be in reconstituted status. Upon such determination the turnaround school shall be reconstituted and the board shall issue a request for proposals to reconstitute under third party management. The school may reopen as a reconstituted charter school or the school may reopen under a performance contract between the board and a third party pursuant to regulations promulgated by the board.

#### *Ed Reform #5*

SECTION 38. [Section 1K of said chapter 69](#), as so appearing, is hereby amended by striking lines 1 through 6, and replacing it with the following:-

Upon a finding by the board that 60 per cent of the students in a school district are in schools that are in turnaround status pursuant to section 1J of this chapter, the board

and said section is further amended by striking lines 31 and 32 and replacing it with the following:-

If after the imposition under this section or section 1J of this chapter, a school achieves adequate yearly progress for two years, in the aggregate in both English language arts and math as defined in the Massachusetts state plan pursuant to section 1111(b)(2) of the No Child Left Behind Act of 2001, or a school district has less than 40 per cent of its students in schools that are in turnaround status,

and said section is further amended by striking in lines 35 and 36 the words " or school district is no longer chronically under-performing" and replacing it with "should no longer be in turnaround status"

and said section is further amended by striking the last sentence.

#### *Dual Enrollment*

SECTION 39. Said [chapter 69](#), as so appearing, is hereby further amended by adding the following:

Section 1O. (a) The board of higher education in consultation with the board of education and the president of the university of Massachusetts shall establish a discretionary grant program to be administered by the board of higher education, for the purpose of providing monies for public or private colleges to partner with high schools to offer dual enrollment programs or pilot early-college or middle-college programs in math and science courses:

(b) In order to receive grant funding the program must provide:

(1) simultaneous high school credit and transferable college credit;

(2) courses taught by college faculty and include some experience on a college campus;

(3) programs that include early outreach to middle school students to promote preparation for college; and

(4) such data as requested to the board of higher education that includes an evaluation plan.

(c) The board of higher education, in consultation with the board of education and the president of the university of Massachusetts shall promulgate such rules and regulations as necessary to implement this section.

*Chapter 70 Reform*

SECTION 40. [Chapter 70](#) of the General Laws, as so appearing, is hereby amended by striking out section 2 and inserting in place thereof the following:-

Section 2A. As used in this chapter and in [chapters 15](#), [69](#) and [71](#), the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Administration allotment", the amounts allotted within a district's foundation budget for administration in any fiscal year. The administration allotment shall be the sum of:

(a) 147.99 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) 296.00 dollars multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment, the foundation English learner full-day enrollment and the foundation vocational enrollment; plus

(c) 2,042.96 dollars multiplied by the assumed in-school special education enrollment and the assumed tuitioned-out special education enrollment; plus

(d) 148.01 dollars multiplied by the foundation English learner pre-school enrollment and by the foundation English learner half-day kindergarten enrollment.

"Assumed in-school special education enrollment", 3.75 per cent of total foundation enrollment in a district not counting vocational or preschool enrollment, plus 4.75 per cent of vocational enrollment.

"Assumed tuitioned-out special education enrollment", 1 per cent of the total foundation enrollment in a district, not counting vocational or pre-school enrollment.

"Board", the board of education.

"Classroom and specialist teachers allotment", the amount allotted within a district's foundation budget for classroom and specialist teachers in any fiscal year. The classroom and specialist teachers allotment shall be the sum of:

(a) 1,225.70 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) 2,451.39 dollars multiplied by the foundation full-day kindergarten enrollment; plus

(c) 2,451.37 dollars multiplied by the foundation elementary enrollment; plus

(d) 2,157.21 dollars multiplied by the foundation junior high/middle school enrollment; plus

(e) 3,172.36 dollars multiplied by the foundation high school enrollment; plus

(f) 6,741.28 dollars multiplied by the assumed in-school special education enrollment; plus

(g) 1,797.68 dollars multiplied by the foundation English learner pre-school enrollment and the foundation English learner half-day kindergarten enrollment; plus

(h) 3,595.34 dollars multiplied by the foundation English learner, full-day enrollment; plus

(i) 5,393.03 dollars multiplied by the foundation vocational enrollment; plus

(j) 2,157.22 dollars multiplied by the foundation low-income elementary enrollment; plus

(k) 1,617.91 dollars multiplied by the foundation low-income secondary enrollment.

"Commissioner", the commissioner of the department of education.

"Department", the department of education as established in [section 1A of chapter 69](#).



"District" or "School district", the school department of a city or town, and a regional school district.

"Employee benefits and fixed charges allotment", the amount allotted within a district's foundation budget for employee benefits and fixed charges. The employee benefits and fixed charges allotment shall be the sum of:

- (a) 306.79 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus
- (b) 613.58 dollars multiplied by the foundation full-day kindergarten enrollment; plus
- (c) 613.59 multiplied by the foundation elementary enrollment; plus
- (d) 583.41 dollars multiplied by foundation junior high/middle school enrollment; plus
- (e) 560.52 dollars multiplied by the foundation high school enrollment; plus
- (f) 2,585.33 dollars multiplied by the assumed in-school special education enrollment; plus
- (g) 385.95 dollars multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus
- (h) 771.89 dollars multiplied by the foundation English learner, full-day enrollment; plus
- (i) 910.32 dollars multiplied by the foundation vocational enrollment; plus
- (j) 223.88 dollars multiplied by the foundation low-income elementary enrollment and the foundation low-income secondary enrollment.

"Enrollment categories", each student, including students enrolled in special education programs, and students attending a school in another district, pursuant to the provisions of [section 12B of chapter 76](#), who resides in the district and who attends either a public school in that district or a school for which the district of residence pays tuition, shall be placed in one and only one of the following enrollment categories depending on the grade and program to which the student is assigned:

- (a) "English learner enrollment, the number of students enrolled in English language learners programs established under [chapter 71A](#) but, in the case of an innovative program, only the English learner students, as defined in [section 2 of chapter 71A](#), enrolled in such a program shall be considered in calculating English learner enrollment in a district.
- (b) "Elementary enrollment", number of students enrolled in grades one through five and not enrolled in English learner, or vocational programs in a district.
- (c) "High school enrollment", the number of students enrolled in grades nine through twelve and not enrolled in English learner, or vocational programs in a district.
- (d) "Junior high/middle school enrollment", the number of students enrolled in grades six through eight and not enrolled in English learner, or vocational programs in a district.
- (e) "Kindergarten enrollment", the number of students enrolled in kindergarten and not enrolled in English learner, or vocational programs in a district; provided, however, that in any district in which kindergarten students attend school for a full day, the foundation kindergarten enrollment used to calculate the foundation budget amount described in this section shall be two times the kindergarten enrollment number that would otherwise be used for said calculations if said district and all towns responsible for appropriating for said district so request.
- (f) "Pre-school enrollment", the number of students enrolled in pre-school programs run in connection with the special education program in a district. The foundation pre-school enrollment may not exceed twice the number of pre-school students enrolled under approved individual education plans.
- (g) "Vocational enrollment", the number of students enrolled in vocational, education programs or an agricultural school in a district.

"Foundation budget", the sum of the administration allotment, instructional leadership allotment, classroom and specialist teachers allotment, other teaching services allotment, professional development allotment, instructional materials, equipment and technology allotment, guidance and psychological allotment, pupil services allotment, operations and maintenance allotment, employee

benefits and fixed charges allotment and special education tuition allotment. The base year for calculating the foundation budget shall be fiscal year 2007. The base year foundation budget shall be calculated according to the formulas in this section using foundation enrollment as described in this section. For fiscal years thereafter, the foundation budget shall be the base year foundation budget, as adjusted for enrollment and for inflation as set forth in section three of this chapter.

"Foundation enrollment", the student enrollment of a district in any fiscal year. The foundation enrollment is defined as the sum of foundation elementary, junior high/middle school, high school, English learner, and vocational enrollment plus one-half the sum of foundation pre-school and kindergarten enrollment, including students enrolled in the program for the elimination of racial imbalance under [section 12A of chapter 76](#). By March first of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October.

"Foundation inflation index", in fiscal year 2007, the foundation inflation index shall equal 1.000. In fiscal year 2008 and in each fiscal year thereafter, the foundation inflation index shall equal the prior year's foundation inflation index multiplied by the minimum of (a) the ratio of the value of the implicit price deflator for state and local government purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year two years prior, or (b) 1.045.

"Guidance and psychological allotment", the amount allotted within a district's foundation budget for guidance and psychological services. The guidance and psychological allotment shall be the sum of:

- (a) 89.18 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus
- (b) 178.36 dollars multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment; plus
- (c) 237.44 dollars multiplied by foundation junior high/middle school enrollment and the foundation English learner, full-day enrollment; plus
- (d) 297.64 dollars multiplied by the foundation high school enrollment and the foundation vocational enrollment; plus
- (e) 118.72 dollars multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment.

"Instructional leadership allotment", the amounts allotted within a district's foundation budget for instructional leadership in any fiscal year. The instructional leadership allotment shall be the sum of:

- (a) 267.31 dollars multiplied by the foundation pre-school enrollment, the foundation half-day kindergarten enrollment, the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus
- (b) 534.61 dollars multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment, the foundation English learner, full-day enrollment and the foundation vocational enrollment.

"Instructional materials, equipment and technology allotment", the amount allotted within a district's foundation budget for instructional materials, equipment and technology. The instructional materials, equipment and technology allotment shall be the sum of:

- (a) 177.40 dollars multiplied by the foundation pre-school enrollment, the foundation half-day kindergarten enrollment, the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus
- (b) 354.80 dollars multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high/middle school enrollment and the foundation English learner, full-day enrollment; plus

- (c) 567.69 dollars multiplied by the foundation high school enrollment; plus
- (d) 283.84 dollars multiplied by the assumed in-school special education enrollment; plus
- (e) 993.45 dollars multiplied by the foundation vocational enrollment.

"Low-income enrollment", the number of children attending school in a district regardless of residence or tuition-paying status, who are eligible for free or reduced-cost lunches under eligibility guidelines promulgated by the federal government under 42 USC 1758. A low-income child or student is a child who meets these eligibility standards. In determining the total number of low-income students, the department shall use the preceding year's actual number of low-income elementary, junior high/middle school, high school, bilingual, and vocational students, and one-half the preceding year's actual number of low-income kindergarten and pre-school students.

"Municipal foundation budget", a city or town's local district's foundation budget plus the sum of its share of the foundation budgets at regional districts or at agricultural schools of which it is a member. A city or town's share of the foundation budget at regional districts or at agricultural schools shall be based upon its share of the total foundation enrollment from all member municipalities at those districts and schools.

"Operations and maintenance allotment", the amount allotted within a district's foundation budget for operations and maintenance. The operations and maintenance allotment shall be the sum of:

- (a) 340.36 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus
- (b) 680.71 dollars multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment; plus
- (c) 737.99 dollars multiplied by foundation junior high/middle school enrollment; plus
- (d) 715.55 dollars multiplied by the foundation high school enrollment; plus
- (e) 2,282.09 dollars multiplied by the assumed in-school special education enrollment; plus
- (f) 460.78 dollars multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus
- (g) 921.56 dollars multiplied by the foundation English learner, full-day enrollment; plus
- (h) 1,339.18 dollars multiplied by the foundation vocational enrollment; plus
- (i) 340.61 dollars multiplied by the foundation low-income elementary enrollment and the foundation low-income secondary enrollment.

"Other teaching services allotment", the amount allotted within a district's foundation budget for other teaching services. The other teaching services allotment shall be the sum of:

- (a) 314.36 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus
- (b) 628.72 dollars multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment; plus
- (c) 452.59 dollars multiplied by the foundation junior high/middle school enrollment; plus
- (d) 376.79 dollars multiplied by the foundation high school enrollment and the foundation vocational enrollment; plus
- (e) 6,294.23 dollars multiplied by the assumed in-school special education enrollment; plus

(f)31.22 dollars multiplied by the assumed tuitioned-out special education enrollment; plus

(g) 251.37 dollars multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(h)502.73 dollars multiplied by the foundation English learner, full-day enrollment.

"Professional development allotment", the amount allotted within a district's foundation budget for professional development. The professional development allotment shall be the sum of:

(a) 48.49 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b)96.99 dollars multiplied by the foundation full-day kindergarten enrollment; plus

(c)97.01 dollars multiplied by the foundation elementary enrollment; plus

(d)105.17 dollars multiplied by the foundation junior high/middle school enrollment; plus

(e)101.97 dollars multiplied by the foundation high school enrollment; plus

(f)325.20 dollars multiplied by the assumed in-school special education enrollment; plus

(g)65.66 dollars multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(h) 131.32 dollars multiplied by the foundation English learner, full-day enrollment; plus

(i) 168.58 dollars multiplied by the foundation vocational enrollment; plus

(j) 48.54 dollars multiplied by the foundation low-income elementary enrollment and the foundation low-income secondary enrollment.

"Pupil services allotment", the amount allotted within a district's foundation budget for pupil services. The pupil services allotment shall be the sum of:

(a)35.48 dollars multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b)70.97 dollars multiplied by the foundation full-day kindergarten enrollment; plus

(c)106.45 dollars multiplied by the foundation elementary enrollment and the foundation English learner, full-day enrollment; plus

(d)173.86 dollars multiplied by foundation junior high/middle school enrollment; plus

(e)400.92 dollars multiplied by the foundation high school enrollment and the foundation vocational enrollment; plus

(f)53.23 dollars multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment.

"Special education tuition allotment", the amount allotted within a district's foundation budget for special education tuition. The special education tuition allotment shall be the sum of 19,396.88 dollars multiplied by the assumed tuitioned-out special education enrollment.

"Wage adjustment factor", an adjusted difference between the average annual wage for all jobs in the labor market area in which a municipality is located and the average annual wage in the commonwealth. Average annual wage figures shall be published annually by the division of employment and training. The wage adjustment factor shall be the sum of one plus a fraction, the numerator of which shall be the product of one-third and the difference resulting from subtracting the

average annual wage in the commonwealth from the average annual wage of the community; and the denominator of which shall be the average annual wage in the commonwealth.

For the purposes of this section, the average annual wage of the community shall be the sum of:

(a) eight-tenths multiplied by the average annual wage for all jobs in the labor market area in which the municipality is located; plus

(b) two-tenths multiplied by the average annual wage of the municipality; provided, however, that in any community the wage adjustment factor shall not be less than one.

Section 2B. As used in this chapter and in [chapters 15, 69 and 71](#), the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Chapter 70 aid", the greater of a district's foundation aid and its growth aid.

"Combined effort yield", the sum of a municipality's equalized property valuation multiplied by its uniform property percentage plus its income multiplied by its uniform income percentage.

"Effort reduction percentage", the percentage of excess effort to be reduced in any given year, applied uniformly to each municipality with excess effort in the calculation of required local contribution in any given year, which shall be 20 per cent in fiscal year 2007.

"Equalized property valuation", the annual equalized property valuation for a municipality as determined by the department of revenue pursuant to the provisions of [sections 9, 10 and 10C of chapter 58](#).

"Excess effort", the positive difference, if any, between a municipality's target local contribution and its preliminary contribution.

"Foundation aid", the positive difference between a district's foundation budget and its required district contribution.

"General revenue sharing aid", the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed pursuant to [section 17 of chapter 58](#), (2) the distribution to cities and towns of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of [section 35 of chapter 10](#), and (3) additional assistance, so-called, as distributed pursuant to [section 18E of chapter 58](#).

"Growth aid", the sum of a district's (a) prior year's chapter 70 aid and (b) target aid share multiplied by the change in the district's foundation budget between the prior year and the current year.

"Income", total income from all sources as reported by residents of a municipality on income tax returns submitted to the Massachusetts department of revenue for the most recent available calendar year.

"Income percentage", the uniform percentage of each municipality's total income which yields one-half of the statewide total of combined efforts yields in any fiscal year.

"Maximum local contribution", 88 per cent of a municipality's foundation budget.

"Municipal revenue growth factor", the change in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to one hundred two and one-half per cent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last three available years as certified by the department of revenue or as otherwise estimated by the division of local services of the department of revenue where it appears that a municipality may not be entitled to increase its minimum levy limit by two and one-half per cent; provided, however, that if the highest percentage during such three years exceeds the average of the other two years' percentages by more than two percentage points, then the lowest three of the last four years shall be used for such calculation; (2) the amount of general revenue sharing aid for the fiscal year; and (3) other budgeted recurring receipts not including user fees or other charges determined by said division of local services to be associated with the provision of specific municipal services for the prior fiscal

year, by the sum of (1) the actual levy limit for the prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by such division of municipal services to be associated with the provision of specific municipal services budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided, however, that for the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June 30 1993; provided, further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to one hundred two and one-half per cent plus the average of the percentage increases in the levy limit due to new growth as specified above; and, provided, further, that in making any of the calculations required by this definition, said division of local services may substitute more current information or such other information as would produce a more accurate estimate of the change in a municipality's general local revenues and the department shall use such growth factor to calculate preliminary contribution, required local contribution and any other factor that directly or indirectly uses the municipal growth factor.

"Net school spending", the total amount spent for the support of public education, including teacher salary deferrals and tuition payments for children residing in the district who attend a school in another district or other approved facility, determined without regard to whether such amounts are regularly charged to school or non-school accounts by the municipality for accounting purposes; provided, however, that net school spending shall not include any spending for long term debt service, and shall not include spending for school lunches, or student transportation. Net school spending shall also not include tuition revenue or revenue from activity, admission, other charges or any other revenue attributable to public education. Such revenue will be made available to the school district which generated such revenue in addition to any financial resources made available by municipalities or state assistance. The department in consultation with the department of revenue shall promulgate regulations to ensure a uniform method of determining which municipal expenditures are appropriated for the support of public education and which revenues are attributable to public education in accordance with this section. The regulations shall include provisions for resolving disputes which may arise between municipal and school officials.

"Preliminary contribution", the product of (a) a municipality's required local contribution for the prior fiscal year, and (b) one plus the municipal revenue growth factor for the current year.

"Property percentage", the uniform percentage of each municipality's total equalized property valuation which yields one-half of the statewide total of combined effort yields in any fiscal year.

"Required local contribution", the municipality's preliminary contribution minus the product of its excess effort, if any, multiplied by the effort reduction percentage. The required municipal contribution shall be apportioned to each district to which the municipality belongs, in proportion to the municipality's foundation budget at those districts.

"Required district contribution", a local district's share of the municipality's required local contribution or, in a regional district or agricultural school, the sum of member municipalities' required local contributions apportioned to that regional district or agricultural school.

"Statewide target local share", the sum of all municipalities' target local contribution, as a percentage of the sum of all municipal foundation budgets, which shall be set at 60 per cent.

"Target aid share", for a local district, 100 per cent minus the municipality's target local share. For a regional district or agricultural school, the target aid share shall be 100 per cent minus each member municipality's target local share, multiplied by each municipality's share of the regional district's enrollment, summed for all members of the district.

"Target local contribution", the lesser of a municipality's combined effort yield and its maximum local contribution.

"Target local share", a municipality's target local contribution as a percentage of its municipal foundation budget.

*Chapter 70 Reform*

SECTION 41. [Section 3 of said chapter 70](#), as so appearing, is hereby amended by striking out lines 14 through 17 and inserting in place thereof the following:-

The factors to be inflated shall be the monetary values for the administration allotment, the instructional leadership allotment, the classroom and specialist teachers allotment, the other teaching services allotment, the professional development allotment, the guidance and psychological allotment, the pupil services allotment and the operations and maintenance allotment.

*Chapter 70 Reform*

SECTION 42. Sections 5, 7, 9, 12, 13 and 14 of said [chapter 70](#) are hereby repealed.

*Chapter 70 Reform*

SECTION 43. [Section 6 of said chapter 70](#), as so appearing, is hereby amended by striking out in line 6, the word "minimum" and is hereby further amended by striking out in line 8, the words "but not including equity aid".

*Ed Reform #6*

SECTION 44. [Section 8 of said chapter 70](#), as so appearing, is hereby amended by striking in lines 5 and 6, the words "under-performing or chronically under-performing" and replacing it with the words "in turnaround status or in reconstituted status".

*Chapter 70 Reform*

SECTION 45. [Section 10 of said chapter 70](#), as so appearing, is hereby amended by striking lines 3 and 4, and is further amended by striking in line 5 the following, "sions of this chapter" and replacing it with the following "with chapter 70 aid as defined in section 2B" and is further amended by striking the last sentence.

*Ed Reform #8*

SECTION 46. [Section 38 of chapter 71](#) of the General Laws, as so appearing, is hereby amended by striking lines 19 through 73, inclusive, and replacing it with the following:-

(a) The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers, principals, and administrators within the school district to be evaluated. The board shall

develop uniform performance standards and criteria to be used in evaluating teachers and shall develop rules and regulations to insure the use of these standards and criteria in the teacher evaluation process. The primary performance standard for all teachers shall be their contribution to student learning of content specified in the state's academic standards. School districts shall utilize performance standards and criteria adopted by the board, however, the standards and criteria used by the school districts are not limited to those adopted by the board and the school district may add other teacher performance standards, insofar as they serve as means toward the end of student learning.

(b) The main indicators of teacher performance shall be data on student learning, peer evaluations based on observations, and principal evaluations based on observation and other information available to the principal. Where possible, the data on student learning shall include the level and growth of student achievement provided by the department. Other data on student learning may also be included where appropriate. In evaluating the contribution of any teacher to student learning, due consideration will be given, where possible, to a student's achievement level prior to the student's assignment to the teacher. The department will develop data systems designed to measure growth in student learning, in grades and subjects where this is feasible, and provide this information to the school districts.

(c) No aspect of teacher performance standards, criteria, indicators, or procedures of evaluation shall be subject to collective bargaining.

(d) The results of such evaluations may be used in decisions to dismiss, demote or remove a teacher or administrator pursuant to section 42 of this chapter.

(e) The results of such evaluations shall be used in decisions by districts to award teachers a performance pay bonus, provided that they receive an exemplary evaluation, which includes strong evidence of growth in student learning.

(f) The results of such evaluations may be used by the superintendent to require teacher training.

(g) Performance pay bonuses may be awarded by the districts to teachers whose evaluations conducted pursuant to this section are exemplary; provided that no more than 33 per cent of teachers in each district shall qualify; provided further, that the state performance pay bonus share is conditional upon a district match of 50 per cent and that the match is not counted toward the district's minimum required local contribution; however the state will pay 100 per cent of the performance pay bonus if an award is being made to a teacher in a school that has been deemed in turnaround status pursuant to [section 1J of chapter 69](#).

#### *Ed Reform #7*

SECTION 47. [Section 38G of chapter 71](#), as appearing in the 2004 Official Edition is hereby amended by inserting after line 70, the following paragraph:-

To be eligible for certification as a provisional educator after January 1, 2007, the candidate shall (1) hold a bachelor's degree in arts or sciences from an accredited college or university with a major course in the arts or sciences appropriate to the instructional field; (2) pass a test established by the board which shall consist of two parts: (A) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents and a math section which shall demonstrate numeracy skills necessary for effective instruction; and; (B) the subject matter knowledge for the certificate; and (3) be of sound moral character. Candidates who complete the requirements in this paragraph shall be issued provisional educator certificates which will permit them to seek employment in teaching positions requiring instructional certification in districts which have an approved provisional educator preparation program.

#### *Ancillary Costs Mass Hospital School #1*

SECTION 48. [Section 12 of chapter 71B](#) of the General Laws, as amended by [section 8 of chapter 6 of the Acts of 2005](#), is hereby further amended by striking the last paragraph and inserting in place



thereof the following paragraph:-

The city, town or regional school district in which each school-age child in any institution described in this section would normally be eligible to attend school and the city, town or regional school district in which each day student admitted to an institution under the control of the department of public health and receiving educational services from the department of education would normally be eligible to attend school shall pay to the commonwealth the costs of the education of that child in the school department of that institution in an amount determined according to the regulations issued under section 10. The payment for each such child shall not be less than its average per pupil cost for pupils of comparable age within the city, town or regional school district, and for each such day student, shall include any charges for related medical, educational or other service provided by the department of public health authorized by [section 62T of chapter 111](#). The amount due the commonwealth each year shall be deducted from the annual distribution to said city, town or school district pursuant to [section 20 of chapter 59](#).

*Ed Reform #9*

SECTION 49. [Chapter 74](#) of the General Laws is hereby amended by adding the following:-

Section 8. (a) The department may establish applied academic schools within regular high schools that provide combined academic and occupational training to high school students towards meeting the needs of the state for a highly skilled and educated work force. Any amount awarded under this section shall be in addition to and not to be considered in determining state or federal monies.

(b) A school district may apply to the department for a grant to fund expenses associated with the planning, development and implementation of an applied academic school. Amounts awarded under this section shall be used to fund curriculum development and program design costs, employ certified teachers to provide course instruction during the introductory year and to fund initial purchases of equipment and supplies necessary for program delivery.

(c) An applied academic school shall be a state-school-private sector partnership. The department shall develop a technical assistance team whose members have prior involvement in successful applied academic operations and make their expertise available, as necessary, to each new applied academics school during its first two years of operation.

(d) Applied academic teachers shall work as a team in planning, teaching, and troubleshooting program activities. Classes in this program shall be limited to students enrolled in the applied academic school. Each participating district shall establish an advisory committee consisting of individuals involved in applied academic operations, including school district and school administrators, teachers, and representatives of the private sector.

(e) The department shall develop regulations and guidelines for applied academic schools that should include but not be limited to the following:

(1) Instruction in at least three academic subjects each regular school term that prepares the student for a regular high school diploma. These subjects should contribute to an understanding of the academic field of study.

(2) A laboratory class related to the applied academic field of study.

(3) A mentor from the business community during the student's 11th grade year.

(4) An internship or paid job related to the academy's occupational field or work experience to improve employment skills, during the summer following the 11th grade. A student that must attend summer school for purposes of completing graduation requirements is exempt from this requirement.

(5) Additional motivational activities with private sector involvement to encourage academic and occupational preparation.

(e) The curriculum of an applied academic school shall prepare students to receive a certificate of occupational proficiency as described in subsection (iii) of [section 1D of chapter 69](#); and upon successful completion of the applied academic school, the students shall be eligible to receive the certificate.

*Ed Reform #10*

SECTION 50. The General Laws are hereby amended by adding the following new chapter:

CHAPTER 74B

EDUCATION EXCELLENCE

Section 1. It is declared that for the benefit of the people of the commonwealth, it is essential that this and future generations of citizens be given the fullest opportunity to have the best educated students, especially in math and science. It is declared further that the people of the commonwealth have a direct interest in remaining globally competitive and therefore its students consistently place in the top tier of all students worldwide. Accordingly, it is the purpose of this chapter and the policy of the commonwealth to provide a means to encourage academic excellence in both math and science in elementary and secondary public schools.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Accelerated courses", courses designed to prepare a student to take Advanced Placement courses

"Board", the Board of Education

"Commissioner", the Commissioner of Education

"Commonwealth Teaching Corps certificate", "certificate", a license to be an elementary math specialist and/or middle or high school math and/or science teacher issued to a person who has successfully met the requirements pursuant to this chapter.

"Math specialist", an elementary school teacher who spends at least 80 per cent of his or her weekly teaching time teaching math and has passed the elementary math MTEL.

MTEL", Massachusetts Tests for Educator Licensure

Section 3. (a) Beginning September 1, 2007, if a high school in the district has a student body of over 750 students the school shall offer in-class Advanced Placement level courses in calculus, physics, chemistry and biology. If a high school has less than 750 students, the high school will make available in-class Advanced Placement level courses or course materials taught online by a competent vendor in calculus, physics, chemistry and biology. Vocational - technical schools that have been established under [chapter 74](#) shall be exempt from this requirement.

(b) At the end of each school year, Advanced Placement level course teachers in calculus, physics, chemistry and biology shall be awarded by the school district a premium payment of \$2,500 for each Advanced Placement level course taught; provided that 50 per cent of the students enrolled in the class passed the Advanced Placement course with a grade of three or higher. A teacher may be awarded a maximum of \$5,000 under this section.

(c) As of September 1, 2007, a school must offer accelerated math and science courses in grade seven and higher.

(d) As of September 1, 2009, all elementary school teachers who teach math shall have passed the elementary math MTEL; schools with elementary teachers that have not passed the elementary math MTEL shall fulfill this requirement with a math specialist.

Section 4. By September 2006, the commissioner shall initiate, approve and superintend the establishment, subject to appropriation, of at least one new school of excellence in mathematics and science in cities with a population of 90,000 or more. These schools shall be patterned after the collaborative between Worcester polytechnic institute and the Massachusetts academy for science and

math. The new schools shall provide professional development activities to teachers in other schools in the district. Schools established under this section shall not be subject to the provisions of 150E. The commissioner shall create enrollment guidelines and the board shall promulgate rules and regulations as necessary to carry out the intent of this section.

Section 5. (a) There is hereby established a commonwealth teaching corps. The main objective of the corps is to encourage individuals to become elementary math specialists and secondary teachers of math and science. The commissioner shall have the authority to grant a certificate to an individual who has satisfied the requirements as set forth in this section. This certificate shall be valid for renewable terms of five years. Any certificate issued by the commissioner may be revoked for cause, pursuant to standards and procedures established by the board.

(b) Notwithstanding any special act or law to the contrary, the only educational requirements for being granted a certificate is that the individual

(i) demonstrate a college degree with a math, science or engineering major and/or an advanced degree in a math, science or engineering, and

(ii) pass the appropriate MTEL exam in the field the individual plans to teach.

(c) Individuals who are granted a commonwealth teacher certificate shall not be eligible for professional teacher status under [section 41 of chapter 71](#); provided that the lack of professional teacher status for such individuals shall not be used as a criterion in connection with any reduction in force.

(d) Teacher evaluations shall be made pursuant to [section 38 of chapter 71](#).

(e) At the end of the school year, a member of the commonwealth teaching corps who has taught the subject in which he holds a certificate, shall be awarded by the school district a premium payment of \$5,000 provided that the teacher verifies the employment in a form prescribed by the school district and the teacher evaluation received as described in subsections (a) and (b) of [section 38 of chapter 71](#) is satisfactory.

(f) All applications for the certificate granted under this section shall be accompanied by a fee to be determined by the secretary for administration and finance under the provisions of [section 3b of chapter 7](#).

(g) All school districts hiring an individual holding a certificate granted under this section must assign to the new teacher a veteran teacher for mentoring/induction, which shall include but not be limited to instructional delivery and classroom management. The veteran teacher assigned shall have demonstrated success in teaching the subject pursuant to performance evaluations as described in [section 38 of chapter 71](#). The Commonwealth shall provide up to \$3,000, subject to appropriation, for a stipend or to compensate for release time of the veteran teacher, subject to the school district providing the department with an acceptable mentoring plan and a post-induction evaluation.

(h) Nothing in this section shall preclude a previously licensed teacher from obtaining a Commonwealth Teaching Corps certificate.

Section 6. The board shall have the authority to promulgate, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this chapter.

#### *Ancillary Costs Massachusetts Hospital School #2*

SECTION 51. [Chapter 111](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting the following section:-

Section 62T. The Massachusetts Hospital School may charge for the expense of all services, including but not limited to, related medical or other educational services that it provides to any school-age child with a disability admitted to its day program. Said charges shall be in addition to any educational

expenses charged by the department of education pursuant to [section 12 of chapter 71B](#).

*Inspector General Transfer*

SECTION 52. Subsection (c) of [section 7 of chapter 111H](#) of the General Laws is hereby repealed.

*Inspector General Transfer*

SECTION 53. Subsection (b) of [section 22 of said chapter 111H](#), as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 26, the words "inspector general" and inserting in place thereof the following:- state auditor.

*Inspector General Transfer*

SECTION 54. Subsection (c) of said [section 22 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in lines 48 and 49, the words "inspector general" and inserting in place thereof the following:- state auditor.

*Inspector General Transfer*

SECTION 55. Subsection (f) of [section 27 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in line 45, the words "inspector general" and inserting in place thereof the following:- state auditor.

*Inspector General Transfer*

SECTION 56. Subsection (c) of [section 46 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in line 34, the words "inspector general" and inserting in place thereof the following:- state auditor.

*Chelsea Soldiers' Home Licensed Practical Nurse Work Commitment*

SECTION 57. [Chapter 115A](#) of the General Laws is hereby amended by inserting the following section:-

Section 10A. (a) The commandant of the Soldiers' Home in Massachusetts may establish a program for the education and training of practical nurses and promulgate regulations pursuant thereto. The commonwealth may provide said education and training at no cost to the program participant, apart from fees and uniforms; provided, that a participant completing such education and training program

and licensed as a practical nurse by the board of registration in nursing shall be required to obtain employment as a practical nurse at a state-operated facility for 2,080 hours on either a full time or part time basis as specified by the commandant, or as determined by the appointing authority of the state facility where the person becomes employed. Participants of said program shall be required to sign an agreement acknowledging their work commitment to the commonwealth, or in lieu of completing said work commitment, shall acknowledge their obligation to repay the cost of such education and training program to said Soldiers' Home in Massachusetts.

(b) In the event that a participant who has completed such education and training program, and who is licensed by said board as a practical nurse, fails to complete said employment requirement or any portion thereof, or fails to repay any or all of the costs thereof, the remaining contractual obligation between said Soldiers' Home and the participant shall be charged against the participant. The commandant shall, within his discretion, determine the names of those defaulting on their obligations in said training and education program and shall report those names, addresses, and license numbers to the board of registration in nursing. The commandant shall notify those he has determined to be in default, that he has notified the board of registration in nursing that he has begun proceedings to suspend, cancel or revoke their licenses. The commandant shall also notify said division of administrative law appeals of the names, addresses, and license numbers of those in default. Said division shall schedule an adjudicatory hearing under [section 10 of chapter 30A](#) within 15 days of receipt of the commandant's notice and shall notify the commandant and the licensee, the those named participants that they have the right to a full and fair hearing on the matter. For purposes of such hearings, the commandant's written representation, with supporting documentation, to said division that a participant is in default of his or her obligation shall be prima facie evidence to that effect. The commandant shall notify the board of registration in nursing of the final written decision of the division of administrative law appeals. If said division finds the license should be suspended, cancelled, or revoked, the board of registration in nursing shall, within 15 days of receipt of such finding, suspend, cancel or revoke any license. Within 30 days of receipt of notice of the final decision of said division, or if a petition for rehearing has been timely filed with said division, within thirty days after receipt of notice of said division's denial of such petition for rehearing, an aggrieved party may file for judicial review in superior court pursuant to [section 14 of said chapter 30A](#).

(c) Any license suspended, cancelled or revoked by this section shall not be reinstated or renewed until the commandant notifies said board that the licensee is in good standing with respect to any and all costs or employment commitments to the commonwealth. Upon such notice, said board may reissue or renew the individual's license.

(d) Notwithstanding the foregoing, said board of registration may take any additional actions or sanctions against the individual as provided by said law and regulation.

#### *TAFDC Reform #2*

SECTION 58. The General Laws are hereby amended by inserting after [chapter 118A](#) the following chapter:-

#### CHAPTER 118B

#### TRANSITIONAL AID TO FAMILIES WITH DEPENDENT CHILDREN

Section 1. The program of aid to families with dependent children established by [chapter 118](#) is hereby modified for the purposes of promoting the principles of family unity, individual responsibility, full engagement and self-reliance; structuring financial and economic incentives and disincentives that promote such principles in the administration of said program; and maximizing the Commonwealth's federal work participation rate to avoid federal sanction.

Section 2. For purposes of this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Assistance", cash grants, special needs assistance, and other benefits funded from the program.

"Child of record", the youngest child of a recipient on July 1, 1995 or at the time a family first applies for assistance after July 1, 1995; provided, however, that a child born to a woman who was pregnant on July 1, 1995 or at the time of first applying for assistance shall be the child of record; provided, further that the commissioner shall establish exemptions to allow a later-born child to be the child of record if such child was born as a result of rape, incest, or other extraordinary circumstances as determined by the commissioner which may include, at the commissioner's discretion, renewed eligibility for assistance after a 36-month period of ineligibility. Unless the commissioner grants an exemption, the designation of child of record shall not change, even if said child no longer lives in the household, or subsequent children are born to the parent.

"Commissioner", the commissioner of the department.

"Department", the department of transitional assistance known previously as the department of public welfare established by [chapter 18](#).

"Dependent child", "dependent children", "child" or "children", the children of recipients eligible to receive assistance from the program.

"Family", the household unit consisting of dependent children and a recipient or recipients determined eligible for assistance from the program.

"Program", the program of transitional aid to families with dependent children established by this chapter.

"Recipient", parents receiving or otherwise eligible to receive assistance from the program who are responsible for the care of dependent children. Notwithstanding any language to the contrary, for purposes of eligibility for support services or any other related program benefits, the term, "recipient", shall not include parents or other caretakers who are not receiving assistance from the program on their own behalf and whose income and assets are not counted in determining the eligibility of the household unit.

Section 3. A family shall be eligible for assistance provided its maximum allowable countable resources do not exceed \$2,500 and upon meeting all other eligibility criteria; provided, however, that the department shall disregard the fair market value of a licensed motor vehicle of such family from the family's countable resources up to an amount determined by the department.

Section 4. The department shall not provide any increment in assistance because of the addition to a family of any child born after the "child of record." A caretaker or guardian who is not eligible for assistance but is caring for dependent children shall not be affected by the limit on additional assistance imposed by this section, until said caretaker or guardian gives birth to a child that makes the caretaker or guardian initially eligible for assistance. In cases in which payments for child support are received for a child born after the child of record, the parent shall assign the rights to such payments to the commonwealth. A monthly amount equal to the standard increment of assistance shall be paid to the parent from any payments received, and shall not be counted in determining eligibility and benefit level.

Section 5. The department shall establish levels of assistance subject to the provisions of the general appropriations act. An earnings disregard of \$30 and one-half of the remaining gross earned income shall be established for recipients subject to the provisions of section 8.

Section 6. Recipients meeting the following eligibility criteria shall be exempt from the provisions of sections 7, 9 and 11 until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:

(a) recipients with a child of record under the age of one year or any child other than the child of record who is under the age of three months, except that section 7(f) shall apply;

(b) caretakers of children in their care, provided, however, that the department shall provide assistance for only the children; or

(c) parents who receive supplemental security income and have children in their care provided, however, that the department shall provide assistance for only the children.

Section 7. (a) A family in which the recipient does not qualify for the exempt categories of assistance established by section 6 shall receive assistance for not more than a maximum and cumulative 24 months during a continuous 60-month period, unless an extension is granted by the commissioner. Said continuous period of 60 months shall commence from the date a recipient first becomes eligible for assistance.

(b) In the event the eligibility status of a recipient changes to an exempt category of assistance during the 60-month period, the calculation of the maximum assistance period of 24 months within the 60-month period shall be suspended and not resume until such time as the recipient is no longer eligible for an exempt status, at which time the calculation shall resume.

(c) The calculation of the 24-month period of eligibility for assistance shall be suspended when a recipient or a family unenrolls from said program. The calculation of the 24-month period shall resume when said recipient or family is determined upon reapplication to be eligible for assistance. Reapplication for assistance within the continuous 60-month period shall not be considered a new case for purposes of calculating the periods of eligibility and ineligibility for assistance under this section. Determinations of the exempt category status of a recipient under this section shall be subject to a fair hearing; provided, however, that the time during which any appeal is pending shall be calculated toward the period of maximum assistance eligibility. The commissioner shall establish a procedure by which a recipient may request an extension of benefits.

(d) The commissioner shall establish criteria to be considered in making a determination that the benefits of a recipient should be extended. The criteria shall include, but not be limited to: (1) whether the recipient has received and or rejected offers of employment, has quit a job without good cause or has been fired for cause; and (2) the degree to which the recipient has cooperated, and is cooperating, with the agency in work-related activities. In making the determination, the commissioner shall further consider whether appropriate job opportunities actually exist locally at a given point in time for recipients. The commissioner may review and revise such determinations as the commissioner deems appropriate.

(e) A recipient who, in order to remain eligible for benefits changes eligibility status, and the change in status is proven in a court of competent jurisdiction to be the result of fraud or deceit, shall not be eligible for any program of assistance provided by the commonwealth including, but not limited to, programs of assistance administered by the department, including programs administered jointly with the federal government or solely on the part of the commonwealth, or programs administered by the department of public health, the department of social services, the department of early education and care, or under [chapter 118E](#), and shall be required to pay full restitution and any fine levied and shall not be eligible to receive assistance until such amounts have been paid. Any recipient who participates in or assists in procuring payments from the department by falsely depicting himself as exempt as defined herein, shall be punished by a fine of not less than \$200 nor more than \$5,000 or by imprisonment for not less than one year nor more than five years and in all cases repayment of the amount of any such payments procured in addition to and not in lieu of any penalties imposed pursuant to this section shall be ordered.

(f) The department shall promulgate regulations to implement the provisions of federal law concerning a life-time limit on receipt of benefits. A recipient who has received state or federal benefits prior to the effective date of this chapter shall have the receipt of such benefits counted against the life-time limit, provided that no more than 24 months of benefits shall be counted.

Section 8. A recipient, or an applicant who has received transitional aid to families with dependent children within the last four calendar months, shall be eligible to have \$30 and one-half of the remaining gross earned income, after work-related expenses but before dependent care deductions, disregarded, subject to the provisions of 106 CMR 204.285, for the entire period that the recipient is eligible for assistance.

Section 9. (a) Subject to appropriation, the department shall develop for each recipient an employment development plan designed to enable the recipient to attain economic self-sufficiency. The plan shall

be prepared by the case manager with the involvement of the recipient. The plan shall include an assessment of the current employability of the recipient and development of a strategy for the recipient to attain economic self-sufficiency. Hourly requirements for the plan of each recipient may differ based on standards, established by the department through regulation, designed to maximize the federal work participation rate for the commonwealth. Each employment development plan can be made up of one or more components, subject to availability and program slots, including work, the full employment program, job search, specified education and training, community service and barrier removal as defined by the department. Component choices will also be designed to maximize the federal work participation rate of the commonwealth, provided that department-approved vocational education and training programs may count for the participation requirement for up to 12 months. A teen parent meeting the requirements of section 10 shall have such activities considered as satisfying the requirements of an employment development plan. A recipient caring for a disabled child, spouse or other immediate relative may use such hours of care considered as meeting comparable hourly requirements of the employment development plan. The department shall determine program availability levels for each of the program components after considering the appropriations for said components, for assistance, and for day care services related to the program. Volunteers shall be given first priority for participation in all such program components. No recipient shall be allowed to enroll in a program component if the number of participants already in the program component meets or exceeds the number established as the program availability level for the program component. The department shall consider the availability of transportation in developing said employment development plans; provided, however, that the department shall develop a proposal for an alternative transportation plan.

(b) It shall be the responsibility of the recipient to fulfill the obligations of the employment development plan, contingent upon the provision of needed services or supports as indicated in the plan. Recipients who fail to adhere to the obligations set forth in their employment development plan and experience a reduction of family income due to a reduction or termination of benefits which, in turn, places their children at risk, shall be required to meet with their caseworker for reassessment. Recipients not qualifying as exempt under the provision of section 6 and whose child of record is under the age at which full-time school attendance is mandatory may, without penalty, choose not to participate in the full engagement program established by section 11 if they need child care services and the office of child care services or its successor agency determines that there will not be sufficient funding or space to provide child care services to the recipient's child while the recipient is participating in said full engagement program.

Section 10. (a) In determining the amount of a cash payment to be made to a teen recipient living with her parent(s), the department shall disregard income of the household up to 200 per cent of the poverty level for a family of comparable size unless the income is earned by the recipient living with her parent(s). In situations where no abuse, neglect or addiction is present, the department shall not provide benefits to a family headed by a recipient under the age of 20, hereinafter referred to as "teen recipients," unless the recipient resides with a parent, grandparent, uncle, aunt, adult sibling, spouse, other family member as determined by regulations, or guardian, or lives in structured housing; provided, however, that the department may determine that a teen recipient who achieved necessary educational and vocational goals and acquired sufficient independent living skills and parenting skills may live on her own.

(b) In situations where a teen recipient asserts that she cannot stay at home because abuse, neglect or addiction is present, or because of other extraordinary circumstance which the commissioner determines should exempt the teen from this requirement, the home shall be evaluated by a professional, experienced in the field of adolescent development and young parenting, chosen by the department. The department shall establish standards and procedures to govern determinations of abuse, neglect and addiction as required by the section. Whenever it is determined that abuse, neglect or addiction is present or such other extraordinary circumstance requires, the teen shall reside in a structured setting in order to receive benefits from the department. If a structured setting is not available at the time the determination is made, the teen shall be exempt from the provisions requiring the teen recipient to live at home pursuant to this section until such time as a placement in a structured setting shall be made available

(c) The department shall not provide benefits to a teen recipient unless the teen has graduated from or is enrolled in a program for a high school diploma or a general education development certificate. The department shall authorize child care for all teen recipients who are unable to find suitable alternative



child care arrangements; provided that the department shall promote the use of informal child care for teen recipients subject to the provisions of this section.

(d) Teen recipients residing in structured residential settings shall be required to pay a portion of their income, as determined by their residential program, as a program fee.

(e) For the purposes of this section, a structured setting shall:

- (1) require teen recipients to enroll and make acceptable progress in a program for a high school diploma or a general education development certificate;
- (2) require teenage recipients to participate in basic parenting classes, basic life skills classes and pregnancy prevention classes;
- (3) provide necessary rules to promote stability; and
- (4) provide regular counseling sessions to enhance the self-esteem of the recipient.

(f) Transitional housing programs serving teenage parents 16 years of age or older shall not be considered to fall within the definition of "group care facility" as appearing in [section 9 of chapter 28A](#).

Section 11. The department shall administer a program, to be known as the full engagement program, for families that are not exempt under section 6. The full engagement program shall require that the head of household in each such family or both parents in a two-parent family meet the terms of their employment development plan developed by the department as described in section 9 within 60 days of the receipt of assistance by the family. The department shall promulgate regulations establishing exceptions for good cause for not meeting the employment development plan. The exceptions shall include, but need not be limited to, domestic violence, medical reasons, and emergency circumstances. At the discretion of the commissioner, recipients subject to the full engagement requirement who fail to meet the requirements shall be subject to sanction up to and including the termination of all assistance for their family.

Section 12. (a) The full employment program is hereby established as a program in which recipients, subject to criteria and eligibility rules established by the department, in lieu of receiving food stamp benefits under the food stamp program and cash benefits under the program of transitional aid to families with dependent children, shall be provided with employment in a manner which promotes self-sufficiency and which provides work experience to improve the competitive position of the recipient in the work force. The department may require participation in this program pursuant to an employment development plan as described in section 9; provided, however, that volunteers shall be given first priority for participation.

(b)(1) An eligible individual who participates in the program shall work 40 hours per week in a program job, as available, and shall be paid not less than the applicable minimum wage. If the net wage amount is less than the grant for which the participant would be eligible, the commonwealth shall supplement the amount necessary to equal the eligible grant.

(2) In addition to the participant wage, as defined in paragraph (1) of this subsection, the employer may be required to pay a set amount for each participant hour worked into a qualified Individual Asset Account, hereinafter called the "IAA". The IAA shall be owned by the participant and access shall be restricted until such time as the participant leaves the program for a job of at least 30 hours per week for which compensation is paid or after twelve months in the program, whichever is sooner. The IAA is established in order to improve the position of program participants by increasing their asset base; however, the amount in the IAA shall not be counted as an asset for the purpose of determining financial eligibility for benefits authorized by this chapter.

(c) Upon the acceptance of a program job in compliance with the employment development plan of the participant as set forth herein, transitional aid to families with dependent children and food stamp benefits shall no longer be paid as a grant to the program participant. The commonwealth shall pay to employers a subsidy determined by the department as partial reimbursement for wages paid to program participants.

(d) The department shall seek to ensure that jobs made available to program participants shall not:

- (1) Require work in excess of 40 hours per week; and
- (2) Be used to displace regular employees nor to fill unfilled positions previously established.

(e) (1) Program employers shall pay all participants a wage rate of not less than the applicable minimum wage per hour.

(2) Sick leave, holiday and vacation absences shall conform to the rules of the employer for new employees.

(3) All persons participating in the program shall be considered to be employees of the employer providing the employment and shall be entitled to all benefits required by state and federal law.

(4) Employers shall provide workers' compensation coverage for each program participant.

(f) Program participants who are eligible for federal- and state-funded medical assistance at the time they enter the program shall remain eligible for as long as they shall continue to participate in such program.

(g) For the purposes of determining the one-year transitional day care and MassHealth provided to certain former recipients of assistance who have left the program for employment, the transitional year, so-called, shall commence on the day a participant is hired into non-subsidized employment.

Section 13. (a) A taxpayer required to file a return under the provision of [chapter 62](#) shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by such taxpayer through the full employment program defined in section 12. The credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by \$100. The maximum credit allowed for all years for the employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

(b) The department shall report to the department of revenue and to the employer the name and social security number of the program participant, the name and identification number of the employer and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within 31 days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine non-confidential data which shall annually be published to determine the effectiveness of the credit provided by this section. The department of revenue shall promulgate rules and regulations necessary to implement the provisions of this section.

(c) A taxpayer required to file a return under the provisions of [chapter 63](#) shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by the taxpayer through the full employment program defined in section 12. The credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by \$100. The maximum credit allowed for all years for the employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

(d) The department shall report to the department of revenue and to the employer the name and social security number of the program participant, the name and identification number of the employer and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within 31 days of the end of each calendar year. The department of revenue shall consult with the house and senate committee on ways and means to determine the effectiveness of the credit provided by this section. The department of revenue shall also promulgate rules and regulations to implement the provisions of this section.

Section 14. (a) No aid shall be paid under the program to, or on behalf of, any child under the age of mandatory school attendance whose school attendance does not meet the requirements of subsection (b), with respect to that period during which the child does not meet these requirements.

(b) Each recipient shall provide documentation to the department, not less than quarterly, that any school age child under the age of mandatory school attendance receiving assistance has missed not more than eight school days during the previous quarter; provided, however, that absences due to the

following reasons shall be considered excused absences:

- (1) illness, as certified by a physician or by other proof that the department determines is adequate;
- (2) hospitalization;
- (3) disability, as defined by the department;
- (4) death of a family member; or
- (5) crisis situations as defined by the commissioner.

(c) A recipient who does not, without good cause, provide the documentation required by this section within the reasonable time established by the department, or the documentation so provided indicates that the child has had more than eight unexcused absences from school during the prior quarter as defined in subsection (b), the department may determine that no aid shall be paid to, or on behalf of, that child until the recipient provides documentation that the school attendance of the child meets the requirements of this section. The department shall develop standards for making this determination in regulation.

(d) Notwithstanding the provisions of [section 27C of chapter 29](#), and without regard to any acceptance of appropriation by a city, town or regional school district, and without regard to any appropriation by the general court, any school attended by a child to which this section applies shall provide the documentation required by this section upon the request of the recipient.

Section 15. No recipient shall be eligible to receive the recipient's portion of assistance payable under the program without presenting a certificate of immunization from a medical provider for each child to the department. The certificate shall state that the child has been immunized for diseases outlined by [section 15 of chapter 76](#). A recipient shall not be denied assistance until having been provided 60 days to meet the requirements established by this section. The department, in consultation with the executive office of health and human services, shall inform each such recipient about health care providers available in the community of the recipient who are capable of assisting with such immunizations.

Section 16. Notwithstanding the provisions of [section 27A of chapter 18](#), any recipient receiving assistance in the form of cash benefits under the program with an active account at a banking or financial institution shall have such assistance directly transferred to the account, commonly known as direct deposit or electronic funds transfer. A recipient who is employed and receiving assistance shall be encouraged by the department to establish an account with a banking or financial institution in order to receive the assistance. The commissioner may waive the requirements of this section in the event such institutions are not readily accessible to the recipient; provided, however, that locations where public transportation is available within one mile of the residence of the recipient shall not be eligible for such a waiver. A disabled recipient shall be provided with the opportunity to seek a waiver from this requirement upon a showing that such recipient would be unable to access his or her cash assistance due to the disability.

#### *MassHealth - Nursing Facility Rate Reviews*

SECTION 59. [Section 7 of chapter 118G](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out in line 2, the word "annually" and inserting in place thereof the following:- biennially.

#### *Nursing Facility Base Rate Adjustment*

SECTION 60. Said [section 7 of said chapter 118G](#), as so appearing, is hereby further amended by striking out in line 27 the word "four" and inserting in place thereof the following:- five.

*MassHealth - Hospital Supplemental Payment #1*

SECTION 61. [Section 18 of said chapter 118G](#), as so appearing, is hereby amended by adding the following subsection:-

(q) Within the Medical Assistance Trust Fund as established in [section 2000 of chapter 29](#), there is hereby established a MassHealth provider payment account, administered by the secretary of the executive office of health and human services. Subject to the availability of federal financial participation, funds may be expended from this account for supplemental Medicaid payments to qualifying providers pursuant to an approved state plan or federal waiver. All Title XIX federal financial participation revenue generated by hospital payments funded by the Medical Assistance Trust Fund, whether the payments are made by the division of health care finance and policy or the executive office of health and human services, shall be credited to the General Fund.

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 62. [Section 1 of chapter 138](#) of the General Laws, as so appearing, is hereby further amended by striking out, in the definition of "Commission" the words "[section 70 of chapter 10](#)" and inserting place thereof the following:- chapter 22F.

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 63. [Section 24 of said chapter 138](#), as so appearing, is hereby further amended by striking out, in the first sentence, the word "treasurer" and inserting in place thereof the following:- secretary of public safety.

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 64. [Section 1 of chapter 150E](#) of the General Laws, as so appearing, is hereby amended by striking out the last sentence from the definition of "employee" or "public employee".

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 65. [Section 7 of said chapter 150E](#), as so appearing, is hereby amended by striking out in subsections (b) and (c) the words, "the alcoholic beverage control commission," wherever they appear.

*Alcoholic Beverage Control Commission Transfer to Public Safety*

SECTION 66. [Section 8 of chapter 233](#) of the General Laws, as so appearing, is hereby further

amended by striking out, in line 7, the words "section forty-three of chapter six" and inserting in place thereof the following:- chapter 22F.

#### *TAFDC Reform #3*

SECTION 67. Sections 110, 119, 121, 122, 132, 140, 141 and 142 of chapter 5 of the Acts of 1995 are hereby repealed.

#### *Eliminate Repeal of Division of Professional Licensure Trust*

SECTION 68. [Sections 7A and 80 of chapter 177 of the Acts of 2001](#) are hereby repealed.

#### *Revere/Everett Skating Rink Decoupling Technical Amendment*

SECTION 69. Subsection (b) of [section 279 of chapter 149 of the Acts of 2004](#), is hereby amended by striking out the second paragraph and inserting in place thereof following paragraph:-

No proposal to lease the Allied Veterans rink in the city of Everett shall be considered responsive, nor shall it be accepted, without a proposal by the same offeror to lease the Cronin rink in the city of Revere, except that a proposal by the city of Everett to lease the Allied Veterans rink, without a proposal to lease the Cronin rink, shall be considered responsive and may be accepted.

#### *Uncapping Lottery*

SECTION 70. Notwithstanding any general or special law to the contrary, for fiscal years 2007 and thereafter, the total amount of lottery proceeds allocated for distribution to cities and towns shall be determined pursuant to [section 35 of chapter 10](#) of the General Laws.

#### *Inspector General Transfer*

SECTION 71. The office of inspector general is hereby abolished. Unless a contrary intent clearly appears, all powers and duties exercised by said office immediately prior to the effective date of this act are hereby transferred to the office of the state auditor.

All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of the inspector general, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the auditor; provided, that all such property held in trust shall continue to be held in trust and be administered in accordance with the terms of such trust, by the trustees appointed by any court of competent jurisdiction upon application of any interested persons for such appointment or for instructions in connection therewith. All questions regarding the identification of such property shall be determined by

the secretary for administration and finance.

All petitions, hearings, and other proceedings duly brought before, and all prosecutions and legal and other proceedings begun by, the inspector general that arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall thereafter be completed by the auditor.

All orders, rules, and regulations duly made, and all licenses, permits, certificates, and approvals duly granted by the inspector general that arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to said effective date, shall continue in force, and the provisions thereof shall thereafter be enforced, until superceded, revised, rescinded, or cancelled in accordance with law, by the auditor. All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates, and approvals, and of the agencies to which the completion or enforcement thereof is transferred shall be determined by the secretary for administration and finance.

All monies heretofore appropriated for the inspector general for the purpose of the exercise of such powers or the performance of such duties and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the auditor. All questions regarding the identification of such monies shall be determined by the secretary for administration and finance.

All duly existing contracts, leases, and obligations of the inspector general that relate to the exercise of such powers for the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the auditor. This section shall not affect any renewal provisions or option to renew contained in any such leases in existence on said effective date, all of which may thereafter be exercised by the auditor. All questions regarding the identification of such contracts, leases, and obligations of the inspector general shall be determined by the secretary for administration and finance.

Wherever the name "inspector general", or "the office of the inspector general" or "the inspector general's office", or the name of any department, agency, office, commission, committee, council, board, division, bureau, institution, other administrative unit, or officer within the office of the inspector general, from which powers and duties are transferred by the provisions of this act, appear in any statute, special act or resolve, order, rule, regulation, or other document related to the exercise of such powers or the performance of such duties, such name shall be construed as referring to the office of the state auditor, unless a contrary intent clearly appears.

#### *Municipal GIC #2*

SECTION 72. Notwithstanding any general or special law to the contrary, for fiscal years 2008 and thereafter, the amount allocated to each district's foundation budget pursuant to the definition of employee benefits and fixed charges allotment as specified in [section 2 of chapter 70](#) of the General Laws shall be increased by 5 per cent on a county, city, town or district's acceptance and implementation of subsections (a) and (b) of [section 3B of chapter 32B](#).

#### *Municipal GIC #3*

SECTION 73. Notwithstanding any general or special law to the contrary, for fiscal year 2007 the amount allocated to each district's foundation budget to employee benefits and fixed charges as specified in section [40](#) of this act shall be increased by 5% percent

#### *Health Care Security Trust Fund Transfer to General Fund*

SECTION 74. Notwithstanding any general or special law to the contrary, during fiscal year 2007, the comptroller shall transfer \$50,000,000 from the Health Care Security Trust Fund, established under [chapter 29D](#) of the General Laws, to the General Fund.

#### *Peterson Case Transfer*

SECTION 75. Notwithstanding any general or special law to the contrary, on or before June 30, 2007, the comptroller shall transfer \$60,500,000 from the Commonwealth Stabilization Fund, established pursuant to [section 2H of chapter 29](#) of the General Laws, to the General Fund for monies due taxpayers as a result of the enactment of [sections 57, 57A, and 57B of chapter 163 of the acts of 2005](#).

#### *Suspension of Transfer*

SECTION 76. Notwithstanding any general or special law to the contrary, during fiscal year 2007 there shall be no transfer by the comptroller of one-half of 1 per cent of the total revenue from taxes in the preceding fiscal year to the Stabilization Fund as specified in clause (a) of [section 5c of chapter 29](#) of the General Laws.

#### *Tobacco Settlement Monies*

SECTION 77. Notwithstanding any general or special law to the contrary, during fiscal year 2007, the comptroller shall transfer from the Health Care Security Trust, established under [chapter 29D](#) of the General Laws, to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2007 pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Philip Morris, Inc., et. al., Middlesex Superior Court, No. 95-7378, and 50 per cent of the earnings generated in fiscal year 2007 from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of [section 3 of chapter 29D](#) of the General Laws for certain health care expenditures appropriated in section 2 of this act.

#### *Disposition of State Surplus Real Property*

SECTION 78. (a) For the purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Commissioner", the commissioner of the division of capital asset management and maintenance.

"Division," the division of capital asset management and maintenance.

"MassDevelopment", the Massachusetts development finance agency.

"Net cash proceeds", all payments paid to the commonwealth as and when paid, less any expenses incurred by the division in connection with the custody, preparation of the surplus property and



reasonable costs relating to the sale, for which it is not reimbursed, and less any amounts that may be owing to the federal government as a result of this disposition.

"Real property", as defined in [section 39A of chapter 7](#) of the General Laws.

"State agency", as defined in said [section 39A\(v\) of said chapter 7](#).

"Surplus land coordination committee", or the "committee" established by subsection (e).

"Surplus real property", real property of the commonwealth: (1) previously determined to be surplus to current and foreseeable state needs pursuant to [sections 40F or 40F 1/2 of said chapter 7](#), or (2) determined to be surplus to current and foreseeable state needs pursuant to this section or to [section 548 of chapter 26 of the acts of 2003](#). This term shall not include property subject to Article 97 of the Amendments to the Constitution.

(b) Notwithstanding sections 40E to 40F 1/2, inclusive, and 40H of said [chapter 7](#), or any other general or special law to the contrary, the commissioner may sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus real property of the commonwealth, as specified in this section.

(c) In order to determine if specified real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide written notice and inquiry to the executive heads of state agencies and secretaries of the executive offices, who shall have 30 days to submit a written response indicating that the property is necessary for a specific current or foreseeable need of such agency. If no agency or executive office submits such a response within 30 days of the notice, the commissioner, in consultation with the surplus land coordination committee, may declare the property as surplus and dispose of it in accordance with this section. Alternatively, if a written response is timely received specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary of administration and finance and with those responding affirmatively, determine whether the real property shall: (1) be made available for current use by a state agency, (2) be retained on account of a foreseeable use by a state agency, or (3) be declared surplus real property which may be disposed of pursuant to this section.

(d) When real property is determined to be surplus to current state needs but not to foreseeable state needs, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency as needed.

(e) To facilitate inter-departmental communication within the executive branch concerning surplus property, there shall be a surplus land coordination committee. The committee shall consist of the secretary or designee of the executive office of environmental affairs, the secretary or designee of the executive office for administration and finance, the director or designee of the department of housing and community development, the commissioner or designee of the division, the president or designee of MassDevelopment, the executive director or designee of the Massachusetts municipal association and the executive director (or designee) of the Massachusetts association of regional planning agencies. The committee shall meet at least quarterly and shall advise the commissioner on the potential uses for the surplus property, including its suitability for housing or other development or preservation as open space, its economic development potential and what restrictions, if any, should be considered on its use and development. The committee may request that the MassDevelopment draft an economic development suitability analysis which shall include an analysis which considers the economic potential of the property, anticipated real estate and other applicable tax revenue to the commonwealth and the municipality in which the property is located, the estimated impact on commonwealth employment and other economic growth indicators. The economic development report for a parcel shall be delivered to the committee and the commissioner within 45 days after the request for such report. For preparing each economic development report, MassDevelopment shall be paid an amount equal to 1 per cent of the net cash proceeds from the sale of the property which is the subject of the economic development report.

For parcels greater than 2 acres in size or when the committee considers it otherwise necessary for any particular parcel, the division shall conduct, within 45 days, a smart growth review. Such review shall consider the need for a variety of housing options, jobs and open space; current and prospective zoning of the site; the need for municipal capital facilities and public uses, impact of traffic and transit;



impact on the environment and natural resources and on agricultural lands; existence of historically significant structures; availability of infrastructure, including water supply, waste water and storm water run-off; fiscal impact of development on the municipality where the parcel is located; remediation of contamination; other smart growth implications, and the local and regional implications of disposing of the parcel for a variety of prospective uses. The division shall undertake this review and submit a draft report to the committee. The committee must complete its review and comment on the draft smart growth review and the economic development report within 30 days of receipt of the review by the division. Following review and comment by the committee, the division shall complete the smart growth review and file a final report with the committee and with the joint committee on bonding, capital expenditures and state assets and with the officials referenced in subsection (f), which shall include its recommendations as to the proposed disposition of said property.

For any parcel less than 25 acres in size, the commissioner may proceed to dispose of it in accordance with this section. For any parcel equal to or greater than 25 acres in size, the commissioner may dispose of it after one year from the date of the filing of the smart growth review, unless within such time period special legislation has been enacted directing the terms and conditions of the disposition or transfer of such parcel, in which case the commissioner shall proceed in accordance with such legislation.

(f) If the commissioner, in consultation with the committee, determines that the real property is surplus, the commissioner shall: (1) provide written notice for each city or town in which the property is located to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency and the members of the general court representing the city or town in which the property is located as well as surrounding cities or towns; (2) declare it available for disposition and identify any restrictions on its use and development necessary to comply with the policies and principles established by the commonwealth development coordinating council, established in [section 8B of chapter 6A](#) of the General Laws, and to take into consideration other established state and local plans and policies; (3) conduct a public hearing in the municipality in which the property is located if the property parcels exceeds 2 acres or if the commissioner determines or the city or town in which the property is located requests that a hearing should be held for a smaller parcel. The commissioner shall provide reasonable public notice in advance of the hearing, which shall be convened to consider potential reuses and appropriate restrictions, as well as to consider smart growth issues; and (4) ensure that any deed, lease or other disposition agreement sets forth all such reuse restrictions, and provides for effective remedies on behalf of the commonwealth, which may include, in the event of a failure to comply with the reuse restrictions by the grantee, lessee or other recipient, that such title or lesser interest as may have been conveyed shall, upon recordation of a notice of exercise, immediately revert to the commonwealth.

(g) The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated both: (1) for the highest and best use of the property, and (2) subject to uses, restrictions and encumbrances defined by the commissioner.

(h) Before disposing of the surplus property, the commissioner shall provide to each city or town in which the property is located a written right of first refusal to purchase the surplus property for municipal use on the conditions established in section (f) and at 85 per cent of the value established in subsection (g). The commissioner shall have the authority to accept a flexible payment schedule at his discretion. This right of first refusal must be exercised, if at all, by the town or city, or its permitted assignee as set forth below, within 30 days after this notice by giving written notification of its intention to exercise its right of first refusal to the commissioner, provided, however, that the city or town may condition its exercise upon the holding of a vote for debt exclusion pursuant to [section 21C of chapter 59](#) of the General Laws, commonly known as a Proposition 2-1/2 debt exclusion, to finance the surplus real property purchase, within 150 days after the date of the written notification of the city's or town's intention to exercise its right of first refusal. The city or town, or such assignee, shall have until (1) the date which is 45 days after the date of the vote for debt exclusion, if the city or town conditioned its exercise of its right of first refusal upon such vote, or (2) the date which is 90 days after the date on which the commissioner gave written notice of its right of first refusal to the city or town, if the city or town did not condition its exercise of its right of first refusal upon such vote, to close the purchase of the property. If the city or town, or such assignee, fails to close the purchase of such property within that time, the sole remedy of the commonwealth against the city or town for this failure shall be to proceed with the disposition of the surplus property without further right of purchase by the city or town.

and the elimination of any requirement to share proceeds of the sale with the city or town as provided in subsection (p).

The municipality shall also be able to assign its right of first refusal as established pursuant to subsection (h) to a nonprofit public benefit corporation that has a primary mission to build housing or protect open space, or to a community development corporation, as determined in regulations promulgated by the commissioner. If the municipality or its assignee acquires any portion of the property for open space purposes, or if any portion of the property is restricted for open space purposes, a conservation restriction pursuant to [chapter 184](#) of the General Laws shall be retained by the commonwealth on such parcels.

(i) If the city or town has not exercised its right of first refusal, or if the city or town, or its permitted assignee, has failed to close in a timely manner if such right was exercised, the commissioner shall dispose of surplus real property utilizing appropriate competitive processes and procedures. Such competitive processes may include, but are not limited to, absolute auction, sealed bids and requests for price and development proposals. At least 30 days before the date of an auction or the date on which bids, proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to [section 20A of chapter 9](#) stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof.

(j) The commissioner shall place a notice in the central register identifying the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated under subsection (g), he shall include the justification therefor, specifying the difference between the calculated value and the price received.

(k) No agreement for the sale, lease, transfer or other disposition of surplus real property and no deed executed by or on behalf of the commonwealth, shall be valid unless such agreement or deed contains the following certification, signed by the commissioner:

"The undersigned certifies under penalties of perjury that I have fully complied with section \_\_\_\_ of chapter \_\_\_\_ of the acts of 2006 in connection with the property described herein."

(l) No agreement for the sale, lease, transfer or other disposition of surplus real property shall be valid unless the purchaser or lessee has executed and filed with the commissioner the statement required by [section 40J of chapter 7](#) of the General Laws.

(m) The grantee or lessee of any surplus real property shall be responsible for all costs including, but not limited to, appraisals, surveys, plans, recordings and any other expenses relating to the transfer, as shall be considered necessary by the commissioner.

(n) This section shall not apply to the disposition of real property that is the subject of a special act having an effective date before the effective date of this act.

(o) The authority granted to the commissioner by this section shall cease as of June 30, 2010, but the commissioner may complete any transaction for which agreements have been signed and delivered on or before that date.

(p) Funds from the net cash proceeds of dispositions of surplus property pursuant to this section shall be allocated as follows: (1) 10 per cent of the net cash proceeds of each transaction shall be paid to the city or town in which the property is located if the city or town did not exercise its right of first refusal, whether or not the transaction thereafter closed; but that city or town may receive up to a total 25 per cent of the net cash proceeds of a transaction if the municipality has taken affirmative actions in furtherance of the commonwealth's objectives for the parcel, consistent with smart growth and subject to regulations promulgated by the division in consultation with the commonwealth development coordinating council; (2) after distribution of net cash proceeds to cities and towns pursuant to clause (1), the first \$5 million shall be deposited in the General Fund; (3) 50 per cent of the next \$20 million shall be deposited in the Smart Growth Housing Trust Fund established in [section 35AA of chapter 10](#) of the General Laws, and 50 per cent shall be deposited in the General Fund; and (4) the remaining net cash proceeds shall be deposited 20 per cent into the Smart Growth Housing Trust Fund and 80 per

cent into a separate fund on the books of the commonwealth to be known as the Capital Projects and Maintenance Fund to be expended, without further appropriation, by the commissioner upon approval by the secretary of administration and finance. Monies deposited into the Capital Projects and Maintenance Fund shall be allocated to the respective agency or agencies whose facility or facilities generated the proceeds deposited into the fund and shall be expended exclusively for one-time capital projects, maintenance and repairs to such agency's facilities. The books and records of said fund shall be subject to a biennial audit by the state auditor. No expenditure from said fund shall be permitted if it shall cause said fund to be in deficiency at the close of a fiscal year.

Nothing in this section shall be construed to grant to any municipality or other third party the right to participate in the negotiation, execution, or enforcement of any agreements between the division and a purchaser or lessee of surplus property.

#### *Blue Hills Ski Area*

SECTION 79. Notwithstanding the provisions of sections 40E to 40K and 52 to 55, inclusive, of [chapter 7](#) of the General Laws, and utilizing such competitive proposal process or processes as said division deems necessary or appropriate, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to one or more proponents, for the Blue Hills Ski Area in Canton, so as to provide for the continued use, operation, maintenance, repair, and improvement of this state-owned recreational facility together with the land and appurtenances associated therewith.

Such lease or other agreement shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance, after consultation with the commissioner of department of conservation and recreation, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessee to operate, manage, improve, repair, and maintain the properties. Any such leases or other arrangements requiring improvements to be made to any portion of the facility may include a description of the initially required improvements and, at minimum, performance specifications.

All consideration received from the lease or other agreement shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with the provisions of [section 34C of chapter 92](#) of the General Laws. The lessee or recipient of said property shall bear all costs deemed necessary or appropriate by the commissioner of the department of conservation and recreation for the transactions including, without limitation, all costs for legal work, survey, title, and the preparation of plans and specifications.

#### *Urban Skating Rinks Lease Agreement*

SECTION 80. Notwithstanding the provisions of sections 40E to 40K and 52 to 55, inclusive, of [chapter 7](#) of the General Laws, and utilizing such competitive proposal process or processes as said division deems necessary or appropriate, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to one or more proponents, for one or more skating rinks, so as to provide for the continued use, operation, maintenance, repair, and improvement of the following state-owned buildings and facilities together with the land and appurtenances associated therewith, comprising those ice skating rinks and facilities formerly under the jurisdiction of the metropolitan district commission: Bajko memorial rink, Hyde Park district, Boston; Connell memorial rink, Weymouth; Devine memorial rink, Dorchester district, Boston; Emmons Horrigan O'Neill memorial rink, Charlestown district, Boston; Flynn memorial rink, Medford; LoConte memorial rink, Medford; Murphy memorial rink, South Boston district, Boston; Reilly memorial rink, Brighton district, Boston; Shea memorial rink, Quincy; Steriti memorial rink, Boston; Veterans Memorial Rink, Somerville; and, Ulin memorial rink, Milton.

Such leases and other agreements shall be on terms acceptable to the commissioner of the

division of capital asset management and maintenance, after consultation with the commissioner of department of conservation and recreation, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair, and maintain the properties, and may provide for the department to make initial capital improvements or direct grant funds to the lessee to undertake initial capital improvements at one or more of the properties that the commissioner of said department determines is necessary due to the structural condition of any of the properties. Any such leases or other arrangements requiring improvements to be made to any buildings may include a description of the initially required improvements and, at minimum, performance specifications. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following priority order: general public skating; youth groups; high school hockey; and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator with the following restrictions: general public skating shall be booked at a minimum of 16 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. Such leases and other agreements authorized herein shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the Urban Parks Trust Fund in accordance with the provisions of [section 34 of chapter 92](#) of the General Laws. The lessees or the recipients of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the department of conservation and recreation for the transactions including, without limitation, all costs for legal work, survey, title, and the preparation of plans and specifications.

The department may consider payments made by a lessee at the Connell rink as private matching funds for the purposes of item 2800-0105 of [section 2E of chapter 352 of the acts of 2004](#).

#### *Housing Creation Program*

SECTION 81. Notwithstanding any general or special law to the contrary, the amount in line item [1201-2005](#) of this act shall be made available to cities and towns as a one time payment pursuant to the lottery formula as prescribed by the division of local services. These payments will be remitted to a city or town who certify in a form prescribed by the office of commonwealth development that the city or town has demonstrated an increase in dwelling units of at least 1% over the number of housing units in place January 1, 2006. The number of housing units, which shall include but not be limited to single family homes, multi-family units, and accessory apartments, must be certified as new dwelling units by the municipal building department. Qualifying housing units are defined as

- (1) Newly constructed residential units including college and university dormitory rooms
- (2) Units that were made uninhabitable by fire and then rehabilitated
- (3) Units for which seasonal occupancy permits were issued initially and, after rehabilitation, regular occupancy permits are issued
- (4) Units which were condemned by a municipal official and rehabilitated
- (5) Units vacant for two or more years and rehabilitated; and
- (6) All units created in what was formerly commercial, industrial, municipal, or other non-residential space

A municipality may apply for certification at any point from July 1, 2006 to May 1, 2008. However for a city or town to be eligible for payment by June 30, 2007, the treasurer must receive notification by the office of commonwealth development by June 1, 2007 and to eligible for payment by June 30, 2008, the treasurer must receive notification by the office of commonwealth development by June 1, 2008.

### *Parental Preparation Program at Early Education and Care*

SECTION 82. The board of early education and care shall administer a program to provide information and training for parents to assist them in nurturing their children's development and education and to strengthen parents' involvement in their children's schooling and shall be used for parent orientation and information for parents of children from birth to five years of age who are enrolled in state-subsidized child care programs, which program shall be known as the parent-child care partnership.

The parent-child care partnership program shall be administered by the department of early education and care. Funding appropriated for this program shall be used to provide individual 60-minute parent orientation sessions for each parent twice a year, as an integral part of the mandatory intake process between parents and intake counselors in child care programs. No child may be enrolled in a state-subsidized child care program until at least one parent completes one individual 60-minute parent orientation session. Counselors trained in child development will provide parents with information on what to expect at various stages of their child's development, how they can participate in their child's education, and what they can do to encourage their children to learn and grow. Funding appropriated for the parent-child care partnership program shall also be used by the department of early education and care to produce a guidebook for parents on what they can do to nurture their children's development and education. The department shall make the guidebook available to in English and in four other languages most commonly spoken in the commonwealth.

Notwithstanding any provision of [chapter 66A](#) of the General Laws to the contrary, for purposes of collaboration between the department of early education and care and community partnership lead agencies, the department of early education and care may share with community partnership lead agencies personal data regarding the parents and children who receive services provided under grant programs funded by the commonwealth, to the extent necessary for reporting and program implementation as required by federal and state law.

### *UMass/Health and Human Services Interagency Service Agreements*

SECTION 83. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services pursuant to [section 16 of chapter 6A](#) of the general laws, acting in its capacity as the single state agency under Title XIX of the Social Security Act, and other federally assisted programs administered by said secretariat, and as the principal agency for all of the agencies within the secretariat, is authorized to enter into interdepartmental services agreements with the university of Massachusetts medical school to perform such activities as the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of said Title XIX and other federal funding provisions to otherwise support the programs and activities of the executive office. Such activities shall include: (1) provision of administrative services, including, but not limited to, activities such as providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case management activities and similar initiatives; (2) consulting services related to quality assurance, program evaluation and development, integrity and soundness and project management; and (3) activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability and recouping payments to third parties. Federal reimbursement for any expenditures made by the university of Massachusetts medical school relative to federally-reimbursable services the university provides under said interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to the university. The secretary may negotiate contingency fees for activities and services related to the purpose of pursuing federal reimbursement or avoiding costs, and the comptroller shall be directed to certify said fees and pay upon the receipt of such revenue, reimbursement or demonstration of costs avoided; provided however that the secretary shall not pay contingency fees in excess of \$40,000,000 for state fiscal year 2007. The secretary of health and human services shall submit to the secretary of administration and finance and the senate and house committees on ways and means a quarterly report detailing the amounts of

the agreements, the ongoing and new projects undertaken by the university, the amounts spent on personnel and the amount of federal reimbursement and recoupment payments that the university was able to collect.

#### *MassHealth - Spending Authorization for Nursing Facility Assessment*

SECTION 84. (a) Notwithstanding any general or special law to the contrary, in fiscal year 2007, the division of health care finance and policy, hereinafter referred to as the division, shall establish nursing facility Medicaid rates, payable out of the Health Care Quality Improvement Trust Fund established under [section 2EEE of chapter 29](#), effective July 1, 2006 through June 30, 2007 that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002, as mandated under [section 1 of chapter 42 of the acts of 2003](#). Payments from the fund shall be allocated in the following manner in fiscal year 2007:

(1) \$287,950,000 for the purposes of Medicaid per diem rate payments to nursing homes participating in the MassHealth program for services provided to MassHealth members during fiscal year 2007, provided that as a condition for such funds, the division shall require that each nursing home document to the division that at least \$50,000,000 of such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. A facility's direct care staff shall include any and all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health. The division shall credit wage increases that are over and above any previously collectively bargained for wage increases. In monitoring compliance under this clause, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate reductions imposed on or after October 1, 2002. The expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services;

(2) \$300,000 for the purposes of an audit of funds distributed pursuant to subsection (1). The division of health care finance and policy, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of subsection (1), including but not limited to recoupment, assessment of fines or interest; and

(3) \$250,000 to fund expenses at the division of health care finance and policy related to the implementation and administration of [section 25 of chapter 118G](#) of the General Laws.

(b) The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the division of health care finance and policy to fund the expenditures described herein.

#### *MassHealth - Hospital Supplemental Payment #2*

SECTION 85. The Comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and shall make a series of transfers not to exceed \$251,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund established in section [18](#) of this act.

#### *Medicare Part D and Prescription Advantage*



SECTION 86. Notwithstanding any general or special law to the contrary, in order to maintain the fiscal viability of the subsidized catastrophic prescription drug insurance program, hereinafter referred to as the "prescription advantage program", authorized by [section 39 of chapter 19A](#) of the General Laws, cost sharing required of enrollees in the form of co-payments, premiums, and deductibles, or any combination thereof, shall be adjusted by the department of elder affairs to reflect price trends for outpatient prescription drugs, as determined by the secretary of elder affairs. In addition to the eligibility requirements set forth in said [section 39 of said chapter 19A](#), to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program shall also be enrolled in a Medicare prescription drug plan, a Medicare Advantage prescription drug plan, or in a plan which provides creditable prescription drug coverage as defined by section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, hereinafter referred to as "MMA," and which provides coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D, hereinafter a "creditable coverage" plan.

In addition to the eligibility requirements set forth in said [section 39 of said chapter 19A](#), to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program, who may qualify for the low-income subsidy, so-called, provided under the MMA Subpart P - Premiums and cost-sharing subsidies for low-income individuals, shall apply for those subsidies. To the extent permitted by MMA and regulations promulgated thereunder, and all other applicable federal law, the prescription advantage program may apply on behalf of a member for enrollment into a Medicare prescription drug plan or for the low-income subsidy provided under MMA and may receive information about the member's eligibility and enrollment status necessary for the operation of the prescription advantage program.

For enrollees who qualify for enrollment in a Medicare Part D plan, the prescription advantage program will provide a supplemental source of financial assistance for prescription drug costs, hereinafter referred to as "supplemental assistance" in lieu of the catastrophic prescription drug coverage provided pursuant to said [section 39 of said chapter 19A](#). The prescription advantage program will provide supplemental assistance for premiums, deductibles, payments, and co-payments required by a Medicare prescription drug plan or Medicare Advantage prescription drug plan, and will provide supplemental assistance for deductibles, payments and co-payments required by a creditable coverage plan. The department shall establish the amount of the supplemental assistance it will provide enrollees based on a sliding income scale and the coverage provided by the enrollees' Medicare prescription drug plan, Medicare Advantage prescription drug plan, or creditable coverage plan. In addition to the eligibility requirements set forth in [section 39 of chapter 19A](#), to be considered eligible for the prescription advantage program, an individual must have a household income of less than 500 per cent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

Residents of the commonwealth who are not eligible for Medicare will continue to be eligible for the prescription advantage program pursuant to said [section 39 of said chapter 19A](#).

#### *Emergency Aid to the Elderly, Disabled, and Children Reform*

SECTION 87. Notwithstanding the provisions of section 2 of this act or of any other general or special law to the contrary, recipients of MassHealth benefits under subclause (i) of clause (g) of subsection (2) of [section 9A of chapter 118E](#) of the General Laws shall continue to receive such benefits until such time that said recipients no longer meet the eligibility requirements in place as of June 30, 2006 for the emergency aid to the elderly, disabled, and children program, as established under [chapter 117A](#) of the General Laws.

#### *Parental-School Participation Program at DOE*

SECTION 88. The board of education shall administer a grant program known as the parent-school participation program. The purpose of the program shall be to increase parents' participation in their

children's schooling statewide and especially in the 24 school districts and five charter schools that the department of education has identified as having the lowest levels of student performance on the Massachusetts comprehensive assessment system exam. Elementary schools shall offer parental preparation class prior to a child's kindergarten registration. Funding appropriated for this program shall be used to: support increased numbers of teacher-parent conferences, hold open houses, encourage teachers to use technology to communicate with parents, and other forms of school-parent outreach. Said funding may be used to expand the roles of existing school and district personnel, and may not be used to hire additional school or district personnel. Grant recipients shall be required to demonstrate improvement in parental involvement as a result of the grant. Any funds distributed under this grant program to local, or regional school districts shall be deposited with the treasurer of the city, town or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special law to the contrary.

#### *Freeze Special Education Provider Rates*

SECTION 89. Notwithstanding any general or special law to the contrary, the division of purchased services of the division of procurement which, under section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs under [chapter 71B](#) of the General Laws, shall set all such prices in fiscal year 2007 at the same level calculated for fiscal year 2006 except the prices for those programs for extraordinary relief, as defined in 808 CMR 1.06(4). Programs for which prices in fiscal year 2006 were lower than the full amount permitted by the division of purchased services shall be permitted to charge in fiscal year 2007 the full price calculated for fiscal year 2006.

#### *Effective Date - Repeal of Fund*

SECTION 90. Section [17](#) shall take effect June 30, 2006.

#### *Tax cut effective date*

SECTION 91. Section [33](#) shall apply to taxable years beginning on or after January 1, 2007 but before January 1, 2008.

#### *Tax Cut Effective Date Year Two*

SECTION 92. Section [34](#) shall apply to taxable years beginning on or after January 1, 2008.

#### *Effective Date*

SECTION 93. Except as otherwise specified, this act shall take effect on July 1, 2006.



